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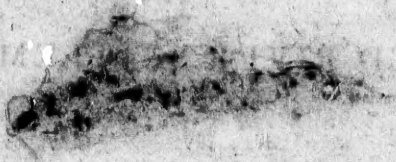

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# PAPERS

## RELATING TO

# THE RED RIVER SETTLEMENT:

*VIZ:*

RETURN to an Address from the Honourable House of Commons to His Royal Highness The Prince Regent, dated 24th June 1819;—*for*

Copies or Extracts of the Official Communications which may have taken place between the Secretary of State and the Provincial Government of *Upper* or *Lower Canada*, relative to the destruction of the Settlement on the RED RIVER, to any legal Proceedings thereon in the Courts of *Upper* or *Lower Canada*, or to any Complaints made of those Proceedings by Lord *Selkirk*, or the Agents of *The Hudson's Bay* or the *North-West* Companies;—also, for Copies or Extracts of the Reports made by the Commissioners of Special Inquiry, appointed to inquire into the Offences committed in the *Indian* Territory, so far as the same can be made public without prejudice to the Public Service, or to judicial Proceedings now pending in *Canada*.

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*Ordered, by* The House of Commons, *to be Printed*,
12 *July* 1819.

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RARE BOOKS
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Colonial Department, 12th July 1819.

HENRY GOULBURN.

# PAPERS

RELATING TO

# THE RED RIVER SETTLEMENT;

1815—1819

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Copy of a Dispatch from the Earl Bathurst, K. G. to Lieut. General Sir Gordon Drummond, G. C. B.; dated 18th March 1815:—Three Inclosures. No. 1.

SIR, Downing-street, 18th March 1815.

HAVING received from the Governor and Company of the Hudson's Bay Company, a Representation, of which a copy is inclosed; in which they state their apprehensions of an attack from the Indian nations in the neighbourhood of the Red River, and request a small military force for their protection; I am induced to transmit it to you, in order that you may make the necessary inquiries as to the grounds of the fears expressed by them on this point; and in the event of your considering them to be founded, furnish such protection and assistance as can be afforded without detriment to His Majesty's service. You will take especial care, whatever measures you may adopt for this purpose, to abstain from doing any act or expressing any opinion which may tend to affect the question in dispute between the Hudson's Bay and North-West companies; the sole object of the present instruction being, to secure the lives and properties of His Majesty's subjects established on the Red River, from the predatory attacks of the Indian nations in the neighbourhood, with which they state themselves to be threatened.

I have the honour to be, &c.

(Signed) BATHURST.

My Lord, Hudson's Bay House, 18th February 1815.

Inclosure (1.) in Earl Bathurst's of 18 March 1815.

I beg leave to lay before your Lordship, a Representation, which has been addressed to the Directors of the Hudson's Bay company by the Earl of Selkirk; from which it appears that a settlement lately formed in Red River, within the territories and jurisdiction of the Hudson's Bay company, is in imminent danger of being destroyed, through the machinations of certain persons who are endeavouring by malicious representations to inflame the minds of the Indians against the colonists. Though the evidence, which is now produced, may not perhaps be sufficient to criminate the individuals alluded to, it certainly appears to call for measures of precaution to avert the horrible consequences which might ensue from an actual attack of the settlement by the Indians; I humbly conceive that the only effectual mode of obviating this danger, is by the presence of a military force; and as the Hudson's Bay company have not the means of affording this species of protection, I trust that a small portion of the force now in Canada, may be detached to Red River.

We do not anticipate any necessity for a permanent military establishment, as it is probable that in two or three years the settlers will be in a condition to provide for their own security. In the mean time, a very small force will be sufficient for their protection; and so long as it may be deemed advisable to keep such a force on Red River, the directors of the Hudson's Bay company feel assured, that the expense to Government cannot exceed what the same number of men would cost in any of the garrisons of Upper Canada.

For your Lordship's satisfaction, I take the liberty of inclosing a concise statement of the circumstances under which the settlement on Red River has been formed, and the views of the Hudson's Bay company in its establishment.

I have the honour to be, &c.

The Right Honourable,
the Earl Bathurst, &c. &c. &c.

(Signed) *Joseph Berens.*

Inclosure (2) in Earl Bathurst's of 18 March 1815.

Gentlemen, Penge Place, 14th February 1815.

You are well aware, that several persons connected with the North-West company, who consider the settlement in Red River as likely to be injurious to their interests, have frequently enlarged on the danger of hostility from the natives, which that company might have the means of exciting. These menaces we have hitherto disregarded, as a mere artifice to check the progress of the settlement. Of late, however, my correspondent at Montreal has strongly expressed an opinion, that serious danger is to be apprehended; and it would appear, that in proportion to the success of the establishment in getting over the natural difficulties of an infant colony, the virulence of its enemies has increased, and that some desperate effort is in contemplation to overturn it (while that is yet practicable,) by means of those Indians who are under the influence of the Canadians.

A letter has lately been put into my hands, which corroborates these ideas very strongly, as it shows that the same apprehension is entertained by persons in Canada, who must unquestionably have access to correct information. The letter is dated in October last, and relates chiefly to sale of lands, which the writer seems to have intended, with the view of settling with some of his relations on Red River. He is a partner of the North-West company, and a gentleman of known probity and veracity. He retired from the active management of the business in the inland country, at a recent date, so that he must be well acquainted with the feelings of his partners there; and as he still draws a share of their profits, it is not likely that he would be disposed to misrepresent their views, or to exaggerate their malevolence. I inclose the letter for your consideration, and I request your attention particularly to the following paragraph, in which you will observe that he speaks of the enmity of the partners, in general, and the interest they have to destroy the settlement, as a matter so well understood, as to require no comment:—"From reports which have reached "me, from a source I cannot doubt, since I had the pleasure of seeing you, I have "reason to fear that my brother's life, and the safety of the infant colony on Red "River, are in a perilous situation. My greatest fear is from treachery, and machi- "nations to prejudice the natives against the colonists. Some of the wintering "partners of the North-West company, think favourably of the undertaking, and "will go all lengths consistent with their duty and interest as North-West partners, "to prevent its destruction. The strongest argument I have heard used to raise "a jealousy in the natives, is by inculcating in their minds a belief, that they are "robbed of their lands without any indemnification. This I have heard a year ago, "from the mouth of a principal, and one of the chief instigators of this enmity to "the colony."

If the Indians have been led to entertain jealousy on this head, it has not been from any inattention of our agent to satisfy their just claims. Captain M'Donnell had my instructions to make a purchase from the natives, of the land required for the use of the settlement. In his letter of July 1813 (less than a year after his arrival on Red River,) he writes to this effect:—"I am at a loss in what manner to "make a purchase from the natives; those here do not call themselves owners of the "soil, although long in possession. It belonged originally to the Crees, whom the "Assiniboins, who are a branch of the Sioux, drove off. A small annual present "will satisfy the Indians here, and should the others make a claim, a present will "satisfy them also."

In the same letter captain M'Donnell mentions circumstances which convinced him that, even at that period, the North-West company had been endeavouring to give the Indians a bad impression of the colonists; and, among other authorities, he refers to a letter from Mr. John M'Leod, who had received information from a Canadian of the intrigues that were going on to influence the minds of the Indians; and by him it was distinctly stated, that clerks and interpreters of the North-West company had told the Indians, "should they allow a colony to settle here, they would be made

"slaves

" slaves of (which created great discontentedness among them,) and by their " procrastinating making objections to it, would only give advantage to get a superior " force to the colony." It appears that these inflammatory discourses had led the Indians to use menacing language towards the settlement. But in a further part of the report, captain M'Donnell writes, " I have had conferences with the principal " chiefs of the Saulteaux tribes; all the formidable threats against us are blown over; " they are now favourably disposed towards the colony. As far as the state of our " stores could afford I have been liberal to them. They call me the master of the " soil, their general father, come purposely for their good. I am convinced, that " should there ever be difficulties with them, they must be created at the instigation " of inimical traders. As to their driving them to general hostility with us, they " cannot now do it. The premier, or supreme hereditary chief of all the Saulteaux " tribes, is, at my request, encouraging the Indians of Lake la Pleice to draw towards " this river, to form themselves into villages, plant Indian corn, &c."

It does not appear that any further uneasiness has been entertained respecting the Saulteaux, who, in fact, have derived material benefit from their intercourse with the settlers; and many circumstances might be quoted to prove the cordiality that subsists between them. The Saulteaux are the Indians who reside in the immediate vicinity of the settlement, and who alone could have any plausible or natural ground of objection to it. But the apprehensions which are now entertained are from the Assiniboins, whose country lies at a great distance, and with whose interests the settlers cannot interfere; so that there is no probability that a hostile feeling could have arisen on their part, unless it had been industriously fomented. As these Indians are in the habit of daily intercourse with the Canadian traders, while captain M'Donnell had little or no opportunity of removing any mistaken impression, and as you have now before you the testimony of an unexceptionable witness, who, from personal knowledge, states, that arguments have been used " to raise a jealousy in the " natives, and to instigate enmity to the colony;" the symptoms of hostility which have been observed on the part of this numerous and warlike tribe of Indians cannot be deemed a matter of little moment, or the result of mere casual irritation.

Along with the circumstances which have thus recently come to our knowledge, we cannot forget the vehement antipathy to the intended settlement, which was expressed as far back as the year 1811, by persons connected with the North-West company. In your own hall you heard the violent language of more than one of these gentlemen on the subject; and to the circumstances which your recollection will supply, I beg leave to add a minute written by captain Miles M'Donnell on the 24th May 1811, relating the circumstances of an interview with a distinguished partner of the North-West company (two days before,) when the conversation had turned upon the proposed settlement on Red River; and among other expressions this gentleman had declared that "he was determined to give all the opposition in his " power, whatever might be the consequences," that "such a settlement struck at " the root of the North-West company, which it was intended to ruin. If other " people did not clearly see their own interests, he did, that the settlement must at " all times lay at the mercy of the Indians, who would not be bound by treaties, " and that one North-West company's interpreter would be able at any time to set " the Indians against the settlers to destroy them."

At the period that I refer to, I was disposed (with you) to consider the language of these gentlemen as an idle menace, intended only to deter us from the prosecution of our design, and I did not believe that the North-West company could be induced seriously to entertain so horrible a project, as that of instigating the Indians to destroy their fellow subjects. It still appears to me almost incredible that such a project should be entertained. Yet under the circumstances which I have stated, I cannot think that we should be justified in trusting the lives of the settlers to chance, and to the forbearance of those who do not scruple to avow the interest they have in destroying the settlement. However respectable many members of the North-West company may be, we know that among their partners there are individuals who have hardly a better notion of law or justice than the Indians themselves; men who have lived from early youth at a distance from the restraints of civilized society, whose notions of honour and moral duty are nearly comprized in the one point of zealous attention to the interests of their partnership; and who, with uncultivated minds and impetuous passions, are accustomed to believe that the remoteness of the country will shelter them from any legal investigation of their conduct. It is difficult to say

how far such men may be carried by the thirst of gain, combined with the habit of acrimonious rivalship.

Under these circumstances, the necessity of affording protection to ensure the safety of the colonists must be evident; and I beg leave to submit to your consideration, whether this can be adequately provided for without the aid of His Majesty's government.

I have the honour to be, &c.

To the Governor, Deputy Governor, and Committee of the Hudson's Bay Company. (Signed) *Selkirk.*

Inclosure (3) in Earl Bathurst's of 18 March 1815.

## STATEMENT.

THE servants of the Hudson's Bay company employed in the fur trade, have hitherto been fed with provisions exported from England. Of late years this expense has been so enormous, that it has become very desirable to try the practicability of raising provisions within the territory itself; notwithstanding the unfavourable soil and climate of the settlements immediately adjacent to Hudson's Bay, there is a great deal of fertile lands in the interior of the country, where the climate is very good, and well fitted for the cultivation of grain.

It did not appear probable that agriculture would be carried on with sufficient care and attention by servants in the immediate employment of the company; but by establishing independent settlers, and giving them freehold tenures of land, the company expected to obtain a certain supply of provisions at a moderate price. The company also entertained expectations of considerable eventual benefit, from the improvement of their landed property by means of agricultural settlements. Having a due regard to the implied conditions of their charter, they deemed it a duty incumbent on them (as soon as the practicability of agricultural improvements was demonstrated) to give a liberal degree of encouragement to an experiment, which, independently of the advantages, promised to have the most beneficial effects on the civilization of the Indians.

With these views the company were induced, in the year 1811, to dispose of a large tract of their lands to the Earl of Selkirk, in whose hands they trusted that the experiment would be prosecuted with due attention, as the grant was made subject to adequate conditions of settlement.

In entering upon this transaction, the Hudson's Bay company had no reason to suppose that the intended establishment would meet with any peculiar difficulties. The country on Red River, where it was to be formed, had been frequented by the servants of the company for a long course of years; and they were in the habits of the most friendly intercourse with the natives. The district had been much exhausted of valuable furs, so that the trading posts in it had proved of late years unprofitable, and doubts had been entertained whether they ought to be continued; and the Indians had, on various occasions expressed much anxiety, lest the Hudson's Bay company should abandon the posts from which they had so long been accustomed to receive their supplies of British manufactures.

It was not therefore to be supposed that they would object to an establishment, calculated to secure them permanently from any such apprehension; and there is no reason to believe that any dissatisfaction would have existed on their part, if it had not been industriously fomented.

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No. 2.

Copy of a Dispatch from Lieut. General Sir Gordon Drummond to the Earl Bathurst, K. G.; dated Quebec, 16th August 1815:—Sixteen Inclosures.

My Lord, Castle Quebec, August 16th, 1815.

HAVING considered what would be the best method of gaining the information required in your Lordship's letter of the 18th March, it appeared to me, that by addressing myself for that purpose confidentially to the heads of the North-West company, whom I knew to be persons of the utmost integrity and respectability, I should not only have the best chance of attaining that object, but of more effectually providing for the security of the lives and property of the settlers on the Red River

River, than by the adoption of any other means within my reach. These objects have, I trust, been attained, as far as they are attainable.

Before I call your Lordship's attention to the numerous documents which accompany this letter, (more particularly to that from Mr. M'Gillivray, in answer to that which I caused the deputy adjutant-general to address to him,) it is proper to intimate to your Lordship, what I did not think it necessary to communicate to the gentlemen of the North-West company, viz. that the plan of affording *military* protection to the Earl of Selkirk's settlement, is in my opinion decidedly impracticable; but even admitting the practicability of moving a detachment of troops, with the necessary provisions and stores, to that remote territory, the expense attending it would not only be enormous, (far beyond any idea your Lordship would form of it,) but the first and unavoidable effect of this interference would, I conceive, be to involve us in an Indian war, for objects foreign to the interests of the British government.

It is far from my intention to attempt to influence the judgment which your Lordship may form, from an inspection of the papers herewith transmitted. But I think it incumbent on me to remark, that I cannot but feel apprehensive, that the most mischievous consequences are likely to arise, from the conduct and character of the individual whom Lord Selkirk has selected for his agent, who styles himself a governor, and from whose intercourse with the persons in the service of the North-West company, it is in vain to look for the spirit of moderation and conciliation which it is so desirable should animate persons situated as these traders and settlers are, cut off as they are from the whole civilized world, and dependent on their union and mutual good offices alone for protection, not only from the savage tribes by which they are surrounded, but against an enemy, not less formidable, viz. famine. The question, as to the invasion of rights, of which the North-West and Hudson's Bay companies mutually complain, appears to me to be entirely one of law, and one in fact on which the law can alone decide; it has, therefore, very properly been referred by the North-West company to a legal tribunal.

I have the honour to be, &c.

The Right Honourable
Earl Bathurst, &c. &c. &c.

(Signed) *Gordon Drummond.*

Dear Sir, Montreal, 29th May 1815.

Inclosure (1) in Sir G. Drummond's of 16 August 1815.

We beg leave to transmit to you, to be laid before his excellency Sir Gordon Drummond, extract of a letter lately received by us from the Earl of Selkirk.

The information upon which it has been thought necessary to make application for military assistance is by no means vague; and should his Excellency deem it necessary to inquire into the circumstances before the instructions of the Secretary of State are complied with, we have in our possession such documents as will infallibly prove it correct; and these, if required, will be laid before his Excellency.

Some further suggestions are given by Lord Selkirk, with a view to facilitate the arrival of the party to be sent to Red River, which can be submitted if it is thought necessary; and should it be thought advisable to comply only with that part of his Lordship's suggestions, wherein one intelligent non-commissioned officer of artillery is recommended to be sent, we beg leave to state, that we can find conveyance for him in a light canoe, that will leave this about 20th June for Lake Winnipic.

The importance of this business is such, that we are persuaded it will not be overlooked by his excellency any unnecessary length of time.

We have the honour to be, &c.

Major Foster,
Military Secretary, Quebec.

(Signed) *Maitland, Gordon & Auldjo.*

Extracts from a Letter from the Earl of Selkirk, to Maitland, Gordon & Auldjo, dated London, March 22d, 1815.

Inclosure (2.)

" In consequence of the information which we (meaning the Hudson's Bay company and himself) received from Mr. Robertson, of the progress of hostility against the settlement on the part of the Indians, instigated by the North-West company, application has been made to government for military protection; and we have received information from the Secretary of State for the colonial department, that

instructions have been given to the governor of Canada to give such protection to the settlers on Red River as can be afforded, without detriment to His Majesty's service in other quarters.

" I understand that copies of our applications have been sent to the governor, and that he is directed to inquire into the circumstances.

" One of the readiest and best modes in which he could give assistance, would be by sending a small party of artillerymen, say 10 or 12, under the command of one or two steady non-commissioned officers, and with them one or two very light brass pieces, which I recollect to have seen in the arsenal at Quebec. They could be sent in batteaux by York and Matchadashe, to Lake Superior, and so far they could take with them an ample and superabundant supply of provisions. Information being sent to Captain M^c^Donnell, he would send canoes to the Grand Portage to meet them, and to bring them through the difficult road to Winnipie; as there are at Red River some little articles of ordnance which o r people do not well understand how to manage, it would be of material service if even one intelligent serjeant of artillery could be sent by the first opportunity.

" I presume that the governor-general will not think of allotting less than one company of infantry for the protection of Red River; and it occurs to me, that probably some of the troops now to be withdrawn from M^c^Kay or Prairie des Chiens, on the Mississippi, might be sent with less difficulty than from any other quarter, as they are already far on the way."

Inclosure (3) in Sir G. Drummond's of 16 August 1815.

(Confidential.)

Gentlemen, Quebec, June 8th, 1815.

Sir Gordon Drummond has desired me to acknowledge the receipt of your letter of the 29th ultimo, addressed to the military secretary; and to inclose for your private information, copy of a communication which it is proposed to address to Mr. M^c^Gillivray on the subject. You will be pleased to acquaint me how far, in your opinion, a letter of this kind would produce the intended effect.

His excellency feeling fully disposed to enter into the subject, has directed me to request a communication from you of the documents alluded to, as being in your possession. I have the honour to be, &c.

(Signed) *J. Harvey*, D. A. G.

Messrs. Maitland, Gordon, & Auldjo,
&c. Montreal.

Inclosure (4.)

(Confidential.)

My dear Sir, Quebec, 8th June 1815.

Sir Gordon Drummond has received a communication from high authority, directing him to make inquiry into the foundation for a strong degree of apprehension, which appears to be entertained by the Earl of Selkirk and the Hudson's Bay company, for the safety of their settlers on the Red River, in consequence of an idea which has been instilled into their minds, by persons resident in Canada, that the Indian tribes in the neighbourhood of that settlement have been *instigated* to commit the horrid and atrocious act of attempting the destruction of the whole population of that settlement. I must not conceal from you, that some of the servants of the North-West company are suspected of being concerned in this diabolical plot. Sir Gordon Drummond, however, feels that he cannot more strongly evince the high respect which he entertains for the heads of that most respectable body, and his perfect confidence in their candour and liberality of sentiment, than by the course he has not hesitated to adopt, in applying himself to *them* for the information which they assuredly possess the best means of affording, and which his Excellency is equally assured they are too honourable and conscientious to withhold. I am commanded, therefore, to ask you, if there exists, in your opinion, any reasonable grounds for believing that the atrocity alluded to is in the contemplation of the Indians in question, or that the safety of the persons or property of the settlers on the Red River, is endangered from the causes above referred to.

Whatever may be the answer to this query, I am commanded to remind you, that that powerful body of which you are at the head, far more than the government of these

these provinces, possesses the means of influencing the actions of these remote tribes of Indians, with whom they *alone* hold an intercourse, whose wants they alone supply, and whose conduct they alone can control. The North-West company, therefore, will be considered responsible in the eyes of the world, as well as in those of His Majesty's government, for any such horrid catastrophe as I have alluded to, whether arising from the instigation of their subordinate agents, or from the uninfluenced malignity of the Indians themselves.

Sir Gordon Drummond feels assured, that by this appeal he has more effectually provided for the safety of the subjects of His Majesty, inhabiting the shores of Hudson's Bay, than it would be in his power to do by any other measure whatsoever.

His Excellency being ill provided with maps or charts of that remote part of His Majesty's dominions, in which the Red River settlement is situated, has directed me to request you will favour him with the short loan of any which may be in your possession.

I have the honour to be, &c.

Hon^ble^ W^m^ M^c^Gillivray, Esq. (Signed) *J. Harvey.*
&c. North-West Company.

Inclosure (5) in Sir G. Drummond's of 16 August 1815.

My dear Sir, Montreal, 24th June 1815.

I have had the honour of receiving your letter of the 14th instant, stating the communication which had been made to his Excellency Sir Gordon Drummond, from high authority, relative to the alarm entertained by the Earl of Selkirk for the safety of his settlement on the Red River, and asking from me an opinion, whether or not there is ground for such alarm.

I have reason to suppose that the communication alluded to, is the same that was made to His Majesty's government in February last, upon that subject. A copy of it was transmitted by Mr. Goulburn to the gentlemen representing the North-West company in London, who in my humble opinion returned a suitable and satisfactory answer to it at the time; but it would appear that this has not been considered sufficient, and the said company, according to his Lordship's insinuations, are still supposed to be capable of instigating the natives to massacre the settlers.

I cannot but express the feelings of indignation to which this calumny gives rise. I deny, in the most solemn manner, the allegations whereon this shameful accusation is founded: so far from their having any existence in truth, the contrary is the fact; for it can be proved, that the first year of his Lordship's settlement, the innocent people who had been enticed from their homes by his golden but delusive promises, and misrepresentations, had no other means of avoiding starvation, but the supplies which they derived from the stores of the North-West company; therefore had the principles of the body, or of those employed by them, been such as the Earl of Selkirk has been pleased to impute to them, there was no need of hostile Indians to interfere in the destruction of the settlement: hunger alone would speedily have accomplished the work.

The liberal sentiments which Sir Gordon Drummond is pleased to express for the North-West company, are highly flattering to that body, and I trust well merited; I should therefore be extremely sorry, and deem it highly improper to injure them in his opinion, by misrepresenting facts, upon whatever subject he did me the honour to ask my opinion. I therefore declare, that I am an utter stranger to any instigation, or any determination of the Indian nations to make any attack on the settlement in question; but I will not take upon me to say, that serious quarrels may not happen between the settlers and the nations, whose hunting grounds they have taken possession of, in the American style of injustice and land pillage, exclusive of the danger they run from the vicinity of the Sioux nation, who from time immemorial have made it a practice to make war on the Indians on the Red River, their permanent enemies, and upon the whites who are found in that country; many instances of which can be adduced, because the Indian nations, when in a state of hostility, consider the whites found in the country of their enemy, as being in his interest, and to be treated accordingly.

The arrogant and violent conduct of Lord Selkirk's agents, cannot well fail to produce such a result as the quarrels above mentioned. The Indians require no

instigation to commit violence, where they consider their own interests as concerned, for notwithstanding the influence which it is supposed the North-West company has over them, within a few years, a brigade of boats coming down the Red River was attacked without any apparent previous cause or provocation, and several men killed or wounded; lives are occasionally lost in like manner in every part of the North-West country.

The influence, whatever it may be, which the North-West company possess over the Indians, has been exerted in a manner essentially different from the false and atrocious idea of intending to be instrumental in the massacre of Lord Selkirk's helpless and deluded settlement, of which I hope I may appeal to Government for substantial proofs during the late war; and it is strange that at the time the exertion of this influence occasioned that company to be identified by the enemy with the government, and their property at Saint Mary's in consequence plundered and destroyed, as belonging to government, the agents of his Lordship should, under a pretended, but usurped authority, with force and arms have plundered the company of their property on the banks of the Red River, which actually took place in the Spring of the year 1814, when their depôt of provisions, which had been collected during the preceding winter, and which was the only supply they had for their canoe men in their voyage from the interior to their place of rendezvous on Lake Superior, was forcibly seized, and the greater part feloniously retained. This took place at a time when it was well known that provisions could not be obtained from Upper Canada, as the enemy was in possession of the Lakes, and consequently this act of robbery was committed with the express intention of either starving the North-West canoe men, or putting a total stop to the exit of the company's returns. Insinuations against the North-West company, and pretended alarms brought forward by persons capable of such acts, come indeed from them with an ill grace; but the motives are manifest, and meant to anticipate or counteract the feelings which their own conduct, when known, would naturally produce.

The robbery above mentioned might have been prevented, or his lordship's agents made to pay dear for their unjustifiable conduct, had the North-West company's people availed themselves of what was in their power, and been as regardless of consequences as their opponents appeared to be; but all aid from the nations was refused, and other means avoided, which in strict justice they had a right to resort to in defence of their property and right, as British subjects. His Excellency has been misinformed in regard to our being the only people who had intercourse with the Indian nations; there are great numbers of hunters, Canadians and others, who are to be found in many parts of the North-West country, and particularly on the Red River, who live among the Indians, and not being in the company's service are not subject to their control. Besides the Hudson's Bay company as traders (of which company Lord Selkirk is now an associate) have their posts close to those of the North-West company, in every part of the country eastward of the rocky mountains, excepting Athabasca, which forms no portion of the alleged Hudson's Bay territory; and as they supply the natives to the extent of their means in like manner as the North West company; therefore it is presumed, that with equal justice and good faith in their dealings they must possess the same influence.

It would indeed be extraordinary if the North-West company, who cannot always save their own people from violence, should be held responsible for whatever misfortune may happen to Lord Selkirk's, or to the servants of the Hudson's Bay company; against such doctrines I most solemnly protest. Individuals in the Indian country are personally responsible for their own criminal acts, in like manner as elsewhere; and an act of the British parliament (43d of His Majesty) was passed for this express purpose. The British government has not only an influence, but a legal authority over the community; but does this make the members thereof personally responsible for the murders and robberies committed in the United Kingdom? His Excellency may rest assured that the North-West company will never instigate, nor authorize any of their servants to instigate, the Indian nations to commit murder, were they even as void of humanity as the Earl of Selkirk seems to consider them; they know too well the consequences to themselves of encouraging disorders of any kind in the Indian country. The Indians, once roused to arms, would hardly distinguish between an Highlander or Canadian from the shores of Hudson's Bay, and people of the same country coming from Canada. I beg leave to inclose some documents which may be considered as referred to in this letter. I wish his Excellency to be possessed of facts, in order to remove from his mind any unfavourable

unfavourable impression which the unfounded and self-interested calumnies, raised and propagated against us by the Earl of Selkirk and his agents and partizans are calculated to produce. That nobleman has thought proper lately to become the avowed rival of the North-West company in the trade which they have carried on for upwards of thirty years with credit to themselves, and it is hoped with benefit to their country. Under the guise and cloak of colonization, he is aiming at and maturing an exterminating blow against their trade. Insinuations of alarm and false accusations form part of the system, and his agents and servants are probably instructed to bring them artfully forward, to raise prejudices against us; surely interested representations from such a quarter should be received with caution, and be better supported than the correspondence of his Lordship's agent sent to Canada, who collects and reports his pretended information as derived from a common Canadian whom he does not name. It is matter of astonishment, that the idea of colonization in the Indian country, at the distance of 2,000 miles from home, should be tolerated by His Majesty's government, and its consequences not seen through. If it fail, as it must and ought, numerous innocent individuals will fall a sacrifice to his Lordship's visionary pursuits; and if it succeeds, it must infallibly destroy the Indian trade in the result: as experience proves, that when colonization advances, Indians and their trade disappear. Thus his Lordship is contributing towards Indian extermination. Besides the planting of colonies so far in the interior, where they are placed out of the reach and control of the mother country, is, as it were, transferring them and their future interests to the United States, in whose territory, by the terms of the late treaty of peace, they will most probably be found; and thus a strength is raising up to be hereafter employed in aid of American ambition against British interests. In a fair commercial competition, we have no objection to enter the lists with his Lordship, but we cannot remain passive spectators of the violence used to plunder or destroy our property, under any pretended or usurped authority as was assumed by Mr. Miles M'Donnell, who styles himself governor, but whose proclamation resembles that of a bashaw, respecting our depôts or collection of provisions for the trade as above stated. In all such attempts hereafter, the North-West company would assuredly be justified in repelling force by force; at all events, I cannot but consider the rights and property of that body as equally entitled to the protection of His Majesty's government as the Earl of Selkirk's.

I have no good general chart of the North-West country; but in the one which I now send, the Red River and countries adjacent are correctly laid down, from the surveys of Mr. David Thompson, the astronomer of the North-West company. The grant to his Lordship by the Hudson's Bay company is tinged with a light red or pink.

I have the honour, &c.
(Signed) *W. M'Gillivray.*

Lt Col Harvey,
Dep' Adjt Gen', &c. &c. &c.

Dear Sir, Montreal, 12th June 1815.

Inclosure (6) in Sir G. Drummond's, of 16 August 1815.

WE had the honour on the 10th instant of receiving your letter of the 8th, conveying to us copy of a communication proposed to be sent to Mr. M'Gillivray, on the subject of the Red River colony.

We feel persuaded, that the transmission of this paper is the only step that can be taken for the present, with any hopes of success; for although our duty to Lord Selkirk, and the Hudson's Bay company, led us to convey to Sir Gordon Drummond the plan suggested by them, of employing a military force for the preservation of the colony, yet we think it is one that for many reasons could not be gone into; and we really see no other to be adopted, than the one so judiciously chosen by Sir Gordon Drummond.

From the manner Mr. M'Gillivray is appealed to, we conceive that the question of, whether or not the colony is in danger, can be easily determined from his reply; and in the mean time we inclose you, for the information of his Excellency, the documents alluded to in our letter of the 29th ultimo.

These we should wish to have returned to us at the time that his Excellency may be pleased to convey to us his sentiments on Mr. M'Gillivray's reply.

We have the honour to be, &c.
(Signed) *Maitland, Gordon & Auldjo.*

Lieut. Colonel Harvey, &c.
Quebec.

Inclosure (7) in Sir G. Drummond's, of 16 August 1815.

My dear Sir, Quebec, 6th July 1815.

SINCE I had the honour of addressing you on the 24th ult. an express has arrived from the Indian country, by which letters have been received from the Red River to the 22d March.

It appears, that the same violent conduct is still attempted to be pursued by Mr. Miles M'Donnell, but without the same disposition on the part of the North-West company to submit to injustice that was evinced by their people last year, when their stock of provisions was seized, under the sanction of a pretended authority.

A copy of Mr. M'Donnell's public documents I have the honour to inclose. Such violent proceedings must produce serious results; and I am very apprehensive, that unfortunate consequences will follow any attempt on his part to take forcible possession of the stockades and houses occupied by the North-West company, stations which the traders from Canada have occupied, with the consent of the nations, ever since the conquest of this country, and for a length of time previous to that event. I have the honour to be, &c.

Lieut. Col. Harvey, Deputy Adjutant-General, &c.

(Signed) *Wm M'Gillivray.*

Inclosure (8.)

District of Assiniboin. } To Mr. Duncan Cameron, acting for the North-West company at the Forks of the Red River.

TAKE notice, That by the authority and on the behalf of your landlord, the Right Honourable Thomas Earl of Selkirk, I do hereby warn you, and all your associates of the North-West company, to quit the post and premises you now occupy at the Forks of the Red River, within six calendar months from the date hereof.

Given under my hand at Red River Settlement, this 21st day of October 1814.

(Signed) *Miles M'Donnell.*

Inclosure (9.)

## PROCLAMATION.

Whereas the Governor and Company of Hudson's Bay, have ceded to the Right Honourable Thomas Earl of Selkirk, his heirs and successors for ever, all that tract of land or territory bounded by a line running as follows; viz.

Beginning on the western shore of lake Winnipic, at a point in 52 degrees and 30 minutes north latitude, and thence running due west to the lake Winipiquarish, otherwise called Little Winipic; then in a southerly direction through the said lake, so as to strike its western shore in latitude 52 degrees; then due west to the place where the parallel of 52 degrees north latitude intersects the western branch of the Red River, otherwise called the Assiniboini river; then due south from that point of intersection to the height of land which separates the waters running into Hudson's Bay from those of the Mississipi and Missisouri rivers; then in an easterly direction along the height of land to the source of the river Winipic, (running by such last-named river, the principal branch of the waters which unite the lake Serginagus,) thence along the main stream of the waters, and the middle of the several lakes through which they flow, to the mouth of the Winipic river, and thence in a northerly direction through the middle of the lake Winipic to the place of beginning;—which territory is called Assiniboin, and of which I, the undersigned, have been duly appointed Governor:

And whereas the welfare of the families at present forming settlements on the Red River, within the said territory, with those on their way to it, passing the winter at York or Churchill forts in Hudson's Bay, as also those who are expected to arrive next autumn, renders it a necessary and indispensable part of my duty to provide for their support. In the yet uncultivated state of the country, the ordinary resources derived from the Buffaloe, and other wild animals, hunted within the territory, are not deemed more than adequate for the requisite supply; wherefore it is hereby ordered, that no persons trading in furs or provisions within the territory, for the honourable

honourable the Hudson's Bay company, the North-West company, or any individual, or unconnected traders or persons whatever, shall take out any provisions, either of flesh, grain or vegetables, procured or raised within the said territory, by water or land carriage, for one twelvemonth from the date hereof; save and except what may be judged necessary for the trading parties at this present time within the territory, to carry them to their respective destinations, and who may on due application to me, obtain licence for the same. The provisions procured and raised as above, shall be taken for the use of the colony; and that no loss may accrue to the parties concerned, they will be paid for by British bills at the accustomary rates: And be it hereby further made known, that whosoever shall be detected in attempting to convey out, or shall aid or assist in conveying out, or attempting to carry out, any provisions prohibited as above, either by water or land, shall be taken into custody and prosecuted as the laws in such cases direct; and the provisions so taken, as well as any goods or chattels of what nature soever, which may be taken along with them, and also the craft, carriages and cattle, instrumental in conveying away the same, to any part but the settlement on Red River, shall be forfeited. Given under my hand at Fort Daer Pembina, the 8th day of January 1814.

(Signed) *Miles M^c^Donnell*, Governor.

By order of the Governor,
(Signed) *Jn^o^ Spence*, Sec^r^.

Journal of Transactions in Red River department, having reference to the seizure and plunder of the North-West company's property by Mr. Miles M^c^Donnell.

Inclosure (10) in Sir G. Drummond's, of 16 August 1815.

19th May 1814. Information was received at the North-West company's fort late in the afternoon, that Mr. Miles M^c^Donnell had sent off a party of armed men to seize a batteaux, loaded with provisions, belonging to the North-West company, on the way to their establishment at the Forks of the Red River.

20th. Agreeable to the orders of my employers, I proceeded with Mr. Seraphim Lamar, and five men, up the Assiniboini river, in order to protect the company's property, should any attempt be made on it. I had not proceeded far, before I found Mr. Miles M^c^Donnell's party, consisting of a clerk and six men, who all appeared completely armed, besides a light field piece. On my appearance, (although on the common high road) the clerk ordered his men to arms; I rode up with one of the North-West company's servants to their camp, and spoke a few words to Mr. Warren (the gentleman at the head of this party;) seeing the danger of the batteaux being attacked, and it being beyond a doubt that this party were to act in a hostile manner, I took immediate steps to prevent the batteaux coming further down. About nine o'clock in the morning (to the best of my recollection) a Canadian came to inform me, that Mr. Miles M^c^Donnell, with all the people under his direction, were in arms, and proceeding with all possible expedition towards his party on the banks of the Assiniboini river. Mr. Miles M^c^Donnell's party apparently consisted of about forty men, and his surgeon, Mr. Holdsworth, with some preparations in his line; and nearly at the same time, a Mr. Spencer (who called himself a sheriff,) and an armed party of men passed our establishment in a boat, having a swivel in its bow, which Mr. Spencer loaded, in presence of several of the North-West company's servants, proceeded afterwards in search of the North-West company's batteaux, at the distance of about two or two and a half miles up the Assiniboini river. Mr. Miles M^c^Donnell took up a position on its banks, there to wait for the North-West company's property, which he now publicly said he intended taking by force. In the course of the day, people were stopped in all directions, and on the common highway, by Mr. Miles M^c^Donnell. Many attempts were made by his people, by his orders, to take all the North-West company's servants prisoners, although following their usual occupations only. A Canadian, by the name of Charles Boitternee, who had offered his services to the North-West company, to defend their property, was sent for by Mr. Miles M^c^Donnell, and threatened with immediate imprisonment for so doing. The natives of the country seemed much displeased at these transactions, particularly as it disturbed their traders. Several of them sent to Mr. Miles M^c^Donnell, requesting that no one might create disturbances on their lands, or disturb those who furnished them with their necessaries. Late in the evening, Mr. Miles M^c^Donnell returned to his house, leaving at the same time all his people in the position he had taken in the morning, on the banks of the Assiniboini river.

21st. We found it necessary to dispatch an express to Mr. John Pritchard, at river La Souri, to acquaint him with the state of affairs, and order him to take such steps as might prevent the North-West company's property from being plundered. The Indians were kept in a continual state of intoxication by Mr. Miles M'Donnell, conceiving that by that means he would prevent their interference.

22d. An abusive and threatening note was received from Mr. Miles M'Donnell; and his preparations and movements indicate bad intentions towards the North-West company.

23d. Mr. Miles M'Donnell informed one of the North-West company, that he had sent a party of men to take the two Canadians (who had brought down the North-West company's batteaux) prisoners, for the purpose of using every means to make them divulge where they had put the property they had in charge.

24th. Late in the afternoon, Mr. Miles M'Donnell's armed boat and party passed with the two Canadians they had made prisoners. All classes of people became alarmed and astonished at their proceedings; few consider themselves safe.

25th. About two in the morning, a boat with some men passed up the Assiboini river. Mr. Spencer conducted this boat; constant threats are thrown out towards the North-West company; and the natives report, that Captain Miles M'Donnell tells them, he intends driving all the North-West company's servants from this part of the country.

27th. Late in the afternoon, Mr. Miles M'Donnell's boat passed with the North-West company's pinnian *, having got the two Canadians to point out where it had been deposited.

28th. The North-West company's servants suffer much from want of provisions; several applications were made to us about the seizure of our property by the Indians, who had lately arrived, offering their assistance to recover it; but being averse to such measures, we declined their offer.

29th. The seizure of our provisions occasions much want; we are informed that Mr. Miles M'Donnell will stick at nothing, and that he intends sending off an armed party, to take the remaining part of the North-West company's property.

30th. Early in the morning, Mr. Seraphim Lamar and a Canadian, were sent to the river La Souri, to make Mr. John Pritchard acquainted with the intention of Mr. Miles M'Donnell, of breaking open the doors; threats, as usual, are held out against the North-West company, and their servants debauched and tampered with, to entice them from their duty to their employers.

1st June. To-day information was received that Mr. Miles M'Donnell intended seizing all the North-West company's horses; from experience, people may judge that nothing is now too rash or violent for Mr. Miles M'Donnell and people.

3d. James Tooney, formerly of Red River colony, made offer of engaging in the North-West company's service; but as soon as this was known to Mr. Miles M'Donnell, he immediately sent a note, forbidding any person to engage him; which is contrary to all law and justice, the man being perfectly free, as appears by the contract now in his possession; he complains of hard treatment, and ill usage; also states, that he was put on half allowance for no just cause or reason: all this he says he can make oath to before a justice of peace.

4th. The North-West company's servants suffer much from the want of provisions, and their business in a great measure stopped.

5th. Hostile threats are used by Mr. Miles M'Donnell towards the North-West company, and he uses all his endeavours to send off the Indians from the North-West establishment, so that they may be no check to his proceedings. James Tooney came to inform, that Mr. Miles M'Donnell intended sending him by force to Hudson's Bay, there to be punished as they pleased; to save the man from such an act of injustice, and relieve his distressed situation, means were given him to escape.

7th. Mr. Seraphim Lamar, and the Canadian who accompanied him to the river La

* Pinnian—a mixture of grease and pounded venison, preserved in leathern bags, which contain about ninety pounds each.

La Souri, arrive. A letter from Mr. John Pritchard states, that Spencer had made show of a warrant, ordering to break open the North-West company's fort and doors, and seize all provisions belonging to them, (with the exception of two batteaux from Alexandria.) Mr. Lamar states, that this marauding party, on their arrival at the river La Souri, encamped at the door (or near to it) of the fort, and made use of repeated threats towards himself, and the other servants of the North-West company, at that establishment.

8th. Peaceable and quiet offers are made by some of the North-West gentlemen to Mr. Miles M'Donnell, in order, if possible, to avoid coming to extremities; which (by the bye) his conduct to the North-West company for a length of time fully merited; but all pacific offers are rejected.

9th. People suffer much from want of provisions, and the company's business entirely stopped.

10th. Some of the North-West company and their servants arrived here late in the afternoon, much fatigued and in want of provisions; they could not on this occasion, owing to the plunder of their provisions, afford a mouthful to their servants.

15. In the morning, a letter was received at the North-West company's fort, acquainting the proprietors of the North-West company of the plunder of their property, in their fort at river La Souri. One of the party concerned in that breach of the law (Mr. House) being then on his way to Mr. Miles M'Donnell, (who had given orders to that effect,) it was thought proper to seize the delinquent, in hopes of bringing him to condign punishment. On Mr. Miles M'Donnell understanding that Mr. House had been taken and confined, he, according to custom, called his people together and armed them, making every preparation indicative of an immediate attack upon our fort, and then, as with him customary, began an abusive and threatening correspondence with the partner of the North-West company present. It became highly necessary now, on the part of the North-West company, for self-preservation, to stand on the defensive; accordingly some preparations were made to repel violence. Mr. Miles M'Donnell stationed people in different directions to stop people in the common highway, and no person could pass or repass without being taken to Mr. Miles M'Donnell's house, and there undergo an examination; constant threats of imprisonment, and the like are held out against all who may defend their own property, or take any part in the present business; we suffer for the want of provisions.

16th. It is distressing to see how the people suffer for want of provisions; the increased number makes our case still more hard; we have nothing but rumours and threats that we are all to be brought prisoners to England, and driven from the country.

17th. In the evening, Mr. Miles M'Donnell came in a menacing attitude, at the head of an armed body of his men, within the distance of six hundred yards from the North-West establishment, and after a short stay, went off. One of the North-West company's servants, who had gone out to the plains, was pursued by Mr. Miles M'Donnell in person, and followed to some distance; the man escaped, merely through the swiftness of his horse.

18th. About twelve o'clock in the day, a party of Mr. Miles M'Donnell's men passed up the Assiniboin river, on one of their marauding expeditions; he himself followed in the course of the day, bringing with him some field pieces, and taking a station on the banks of the river, with the intention, as I have since heard himself declare, of seizing every thing that passed belonging to the North-West company, and at the same time to prevent the North-West company from taking into custody his people who had plundered them at the river La Souri. Mr. John M'Donald, a proprietor of the North-West company, arriving just as matters were coming to extremities, proposed to have an interview with Mr. Miles M'Donnell, hoping that some understanding might take place, which would prevent the shedding of blood, so likely now to take place. Accordingly these two gentlemen met by mutual consent, and after a short period of time, agreed that two hundred bags of the pinnian robbed, should be returned to the North-West company immediately, and arms were laid

aside by both parties in consequence. Thus ended for the present the most disagreeable, and I may add the most disgraceful business I ever witnessed.

(Signed) *Alex^r M^cDonnell.*

Sworn before us, William M^cGillivray and Archibald Norman M^cLeod, two of His Majesty's justices of the peace for the Indian territory and dependencies, this fourteenth day of July, one thousand eight hundred and fourteen.

(Signed) *W^m M^cGillivray,* J. P.
(Signed) *A. N. M^cLeod,* J. P.

A true copy from the original.
(Signed) W^m M^cGillivray.

Inclosure (11) in Sir G. Drummond's, of 16 August 1815.

Speech of the grandes Oreilles, a great chief of the Chippaways, made in the Indian Hall at the forks of the Red River, on the 19th June 1814, and addressed to the Partners of the North-West company. The Chief holding in his hands a string of wampum tied at both ends, proceeded as follows:—

Traders! My children! When I first heard of the troubles you were in at this place, my heart became sore, and the tears ran down my cheeks. I found, however, there was no time to indulge in grief, no time to be lost; our traders, our friends, the protectors of our children were surrounded with dangers. I gave the call of war; and you see before you proofs that my voice was not exerted in vain; my young men have hastened to it.

I find that you, as well as the Indians, are environed with difficulties and dangers; we are placed, as if all were encircled within the ring of beads which I hold in my hands.

We have the Sioux to oppose from above, and now it appears we have to contend with land workers from below. Who are they, these land workers? what brought them here? who gave them our lands? and how dare they to prevent our traders from purchasing whatever we have to give them upon our own lands? But it would appear that these strangers, these makers of gardens, look upon themselves as the real possessors of these lands, and presuming upon this extraordinary right, would wish to prevent you from returning here, by depriving you of your stock of provisions, *tarded on this river*, in hopes thereby to drive you from the country, and make slaves of the Indians when deprived of their friends and protectors. As for them, we can never look on them as such.

Last summer I was called upon by you to go with my young men to Fort William*, in order to give assistance against the Americans. I listened to the call, and proceeded towards your great lodge; but when we reached it, I found our assistance was not required. I however left my war club in the hall, in case I might again be called upon. I could not then have thought that I should ever have occasion for my club to serve against the whites on these lands; and white people too, coming from the same lands as yourselves, and all of you, as well as the Indians, obeying the same great father.

But we see that these land workers are unreasonable, that they are determined to impose upon us, and upon you; we are therefore equally determined to break down whatever *barriers they may set up against you*, or against us. Methinks I regret my war club is at a distance, but I can easily find a substitute for it. I am now an old man, I do not value life; I am therefore come resolved to die between the two hostile parties. My young men are equally determined with myself. It is our wish, it is our interest to preserve you at the risk of our lives; for if you leave us, who amongst us will have pity on our women and children.

You say, however, that you have come to an understanding with these people; I am glad of it. I thank the master of life, that my string of beads will not be stained with the blood of whites residing on these lands. I should always wish to see you at peace; I would love you all were it possible; but my heart and my life are at the service of those who have charge of the bones of my father †, and of my brother; and

* Fort William is the head-quarters or place of rendezvous of the North-West company. It is situated on Lake Superior, lat. 48° 30′ N. and long. 89° 30′ W.

† The bones of Netam, the great chief, and father of the speaker, are preserved on a scaffold at Fort William, and his brother's bones in the same manner at Lac la Pluie. There is always a flag placed over them by the company, as a mark of distinction and respect for the memory of the dead chiefs.

and if you cannot live in peace, and that these land workers will not allow you to trade with us as usual, they shall be destroyed or driven from the Assiniboini river.

To conclude what I had to say: I already see a great change; when we were accustomed to encamp round the forts of your traders in this river, my children used to be fed with pounded meat and grease; but this spring, hunger and starvation forced us to leave the fort much sooner than I intended, for my wish was to remain until the black clouds which appeared hovering over the fort were dispelled. Some of you, my children, thought then perhaps, that I wished to get out of the way; but no, I had no such intention; seeing that you had no provisions even for your young men, I was forced to go and seek something for my children. It was not the sound of bad birds that drove me away. My readiness in appearing here to support your cause, ought to be a proof of my attachment to my traders and to my children.

These are my words, and I have not two mouths.

Gentlemen, Quebec, July 18th, 1815.

Inclosure (12) in Sir G. Drummond's, of 16 August 1815.

Referring to my Letter to you of the 8th ultimo, inclosing copy of a communication proposed to be made to Mr. M'Gillivray, containing certain queries relative to the dangers with which the settlers on the Red River are supposed to be threatened, from the hostility of the Indians instigated by servants of the North-West company, I am directed by Sir Gordon Drummond to acquaint you, that that letter has been answered by Mr. M'Gillivray in such a manner as would have completely removed from his Excellency's mind all traces of any impression unfavourable to the honourable character and liberal principles of the heads of the North-West company, had any such impression existed. On a fair consideration, however, of the statement and documents now before him, Sir Gordon Drummond is of opinion, that if the lives and property of the Earl of Selkirk's settlers are or may hereafter be endangered, that danger will arise principally from the conduct of Mr. Miles M'Donnell, his Lordship's agent, who appears to his Excellency to be actuated by any thing but a spirit of moderation and conciliation, in his language and demeanour, towards the servants of the North-West company: he has, moreover, assumed powers which cannot possibly, in his Excellency's opinion, have been vested in him, or any agent private or public of any individual or of any chartered body. The legality, however, or otherwise, of the proclamations issued by Mr. Miles M'Donnell (copy of two of which are inclosed) will of course be determined in a court of law in Great Britain, to which they have very properly been referred by the North-West company.

The papers which accompanied your letter are herewith returned, copies having been retained for transmission to the Secretary of State, before whom it has been his Excellency Sir Gordon Drummond's endeavour to place the whole case as fairly and as fully as possible.

I have, &c.
(Signed) *J Harvey.*

Messrs. Maitland, Gordon & Auldjo,
Montreal

No. 1.—Statement of the Hudson's Bay Company.

Inclosure (13.)

The servants of the Hudson's Bay company, employed in the fur trade, have hitherto been fed with provisions exported from England.

Of late years this expense has been so enormous, that it became very desirable to try the practicability of raising provisions within the territory itself. Notwithstanding the unfavourable soil and climate of the settlements immediately adjacent to Hudson's Bay, there is a great deal of fertile land in the interior of the country, where the climate is very good, and well fitted for the cultivation of grain.

It did not appear probable that agriculture would be carried on with sufficient care and attention by servants in the immediate employment of the company; but by establishing independent settlers, and giving them freehold tenures of land, the company expected that they would obtain a certain supply of provisions at a moderate price.

The company also entertained expectations of considerable eventual benefit from the improvement of their landed property by means of agricultural settlements. Having a due regard to the implied conditions of their charter, they deemed it a duty

incumbent on them (as soon as the practicability of agricultural improvement was demonstrated) to give a liberal degree of encouragement to an experiment, which independently of other advantages, promises to have most beneficial effects in the civilization of the Indians.

With these views, the company were induced in the year 1811 to dispose of a large tract of their lands to the Earl of Selkirk; in whose hands they trusted that the experiment would be prosecuted with due attention, as the grant was made subject to adequate conditions of settlement.

In entering upon this transaction, the Hudson's Bay company had no reason to suppose that the intended establishment would meet with any peculiar difficulties. The country on Red River where it was to be formed, had been frequented by their servants for a long course of years, and they were in the habits of the most friendly intercourse with the natives. The district had been much exhausted of valuable furs, so that the trading posts in it had proved of late years unprofitable, and doubts had been entertained whether they ought to be continued; and the Indians had on many occasions expressed much anxiety lest the Hudson's Bay company should abandon the posts, from which they had so long been accustomed to receive their supplies of British manufacture. It was not therefore to be supposed that they would object to an establishment calculated to secure them permanently from any such apprehension, and there is no reason to believe that any dissatisfaction would have existed on their part, if they had not been industriously fomented.

—No. 2.—

Dear Sir, Point Fortuné, 10th October 1814.

Your time of starting being near at hand, I shall trouble you with a line, to acquit myself of my promise. I have this day got in my eleventh bushel of full grain, and still propose continuing to sow more while weather permits. From reports that have reached me, from a source I cannot doubt, since I had the pleasure of seeing you, I have reason to fear that my brother's life, and the safety of the infant colony on Red River, are in a perilous situation; my greatest fear is from treachery, and machinations to prejudice the natives against the colonists. Some of the wintering partners of the North-West company think favourably of the undertaking, and will go all lengths consistent with their duty and interest, as N. W. partners, to prevent its destruction. The strongest argument I have heard used, to raise a jealousy in the natives, is by inculcating on their minds a belief that they are robbed of their lands, without any indemnification. This I have heard a year ago, from the mouth of a principal, and one of the chief instigators of this enmity to the colony; who added, that it was destroying the principle the British government was contending for, in favour of the natives, against the encroachments and seizures of the American government, of their lands against their wills, and allowing them only what remuneration they thought proper to offer. I cannot see upon what ground the colonists claim a right to possess themselves of other people's property, say provisions, traded fairly from the natives with their own merchandize. Self preservation may justify acts that in other situations would be criminal. I sincerely wish more moderation was used by both parties. I dread of hearing something disastrous from that quarter next year.

On the opposite page you will find an account of such things as have occurred to me, to be given up as appendages with this estate. The considerations that may prevent my disposing of it, are the following, of which you will see the propriety. 1st. The death of my wife, or my own health, or hers, being in such a state, that we cannot undertake the voyage to the Red River. 2d. My not being able to dispose of my share in the North-West company, or my inability to go with an amicable accommodation with my partners, for my interest in their hands is about treble of what I should expect as an equivalent for this estate, which I could not, in my sober senses, sacrifice for a wish to go back to the Indian country, to endure hardships and difficulties and privations at my advanced time of life, verging on 45. These difficulties being got over, I shall give you possession of this estate in all May next.

N. B. The rest of the letter relates merely to the transactions of the sale; so far is a correct copy.

(Signed) *Selkirk.*

— No. 3.—

Inclosure (14) in Sir G. Drummond's, of 16 August 1815.

Sir, Turtle River, 17th February 1813.

I beg leave to inform you of the following circumstances, concerning two of the North-West company, or intruders, as I may call them, are inflaming the minds of the Indians against both the servants of the Hudson's Bay company and the colony, which are as follows: Some of the said North-West company's servants are at this place, particularly their interpreter here, frequently told the Indians, whose names we well know, that none of the servants of the Hudson's Bay company will be admitted into this country past this season, and furthermore advised them to take as much debt as they could get, for they would never be called upon for payment. And others concerned with the said North-West company, likewise told the Indians, should they allow a colony to settle here, they would be made slaves of, which created great discontentedness among them, and by their procrastinating making objections to it, would only give advantage to get a superior force to the colony, which occasioned them to assemble last Fall, when they determined to act as thus. That about the latter end of this Spring, all the Indians intend to assemble here, where all the young men are to remain, and their principal chiefs to go to P——, to make the following proposals to the commanders of both the colony and Hudson's Bay company, viz. to get assistants from both to expel their enemies from off their limits, and likewise to be recompensed for their land, as they have been told by the said North-West company, that any where a colony was settled at Montreal, or any other part of North America, the Indians were paid for their lands; and they said, should the governor of the colony not condescend to their proposals, that they intend to themselves.

The above circumstances were verbally communicated to me by M. Bastonier.

I remain, &c.

W. Niller, Esq. Chief. (Signed) *Jn° Macleod.*

A true copy.

(Signed) *Selkirk.*

No. 4.—Minute by Miles M°Donnell, Esq.

On Wednesday 22d May, I went into the city, called upon Sir Alexander Mackenzie, at his house in John-street, when he said that he had just returned from the meeting of court of proprietors of Hudson's Bay company, where he opposed the Earl of Selkirk in matters which were brought before the Court. That he (Sir Alexander) was the only person there who spoke against the plans of the Earl of Selkirk; that he gave his opinion decidedly, and was determined to give all the opposition in his power, whatever might be the consequences.

I expressed a regret that any difference should exist between Sir Alexander and Lord Selkirk; that I had passed my word to his Lordship, to go out with some people to form a settlement at Red River, but that I had nothing to do with the commercial concerns of the two companies, unconnected with forming the settlement. Sir Alexander replied, that it was a scheme which could never succeed, and only deluding the unfortunate people who should be engaged in it, taking them from their country, which so much requires their services as soldiers and sailors, deluding them away under spurious and false pretexts, promising free grants of lands, setting forth the soil and climate of the Red River country to be like that of the country about Montreal. That such settlements struck at the root of the North-West company of Canada, which it was intended to ruin. If other people did not clearly see their own interest, he did; it was besides a thing impracticable, and a mad attempt, to make a settlement among the Ossinibergers, the most fierce and warlike nations of Indians in North America, who would never permit people to reside in that way among them. I observed, that a treaty would be made with the Indians, and that the first European settlements in America were begun in the same way. Sir Alexander replied, that the first settlements were very differently situated, being formed on the sea coast, and none of them were beyond 700 miles in the interior, as the intended place of this was; from which circumstance alone, it must at all times lay at the mercy of the Indians, who would not be bound by treaties; and that even one North-West company interpreter, would be able at any time to set the Indians against the settlers, to destroy them, such influence have they with the natives.

Golden-square, 24th May 1811. (Signed) *Miles M°Donnell.*

A true copy, March 27th, 1815. (Signed) *Selkirk.*

— No. 5. —

Inclosure (15) in Sir G. Drummond's, of 16 August 1815.

Gentlemen, Penge Place, February 14th, 1815.

You are well aware, that several persons connected with the North-West company of Montreal, who consider the settlement on Red River as likely to be injurious to their interests, have frequently enlarged on the danger of hostility on the part of the natives, which that company might have the means of exciting. Their threats we have hitherto disregarded, as a mere artifice to check the progress of the settlement. Of late, however, my correspondent at Montreal has strongly expressed an opinion, that serious danger is to be apprehended; and it would appear, that in proportion to the success of the establishment in getting over the natural difficulties of an infant colony, the virulence of its enemies has increased, and that some desperate effort is in contemplation to overturn it, while that is yet practicable by means of those Indians who are under the influence of the Canadians.

A letter has lately been put into my hands, which corroborates those ideas very strongly, as it shows that the same apprehension is entertained by persons in Canada, who unquestionably must have access to correct information. The letter relates chiefly to a sale of lands which the writer seems to have intended purchasing, with the view of settling on Red River with some of his relations. He is a partner of the North-West company, and a gentleman of known probity and veracity. He retired from the active management of the business in the inland country, at a recent date, so that he must be well acquainted with the feelings of his partners there; and as he still draws a share of their profits, it is not likely that he would be disposed to misrepresent their views, or exaggerate their malevolence. I inclose the letter for your consideration, and request your attention particularly to the following paragraph, in which you will observe that he speaks of the enmity of the North-West company in general, and the interest that they have to destroy the settlement, as a matter so well understood as to require no comment: "From reports which have reached me from "a source I cannot doubt, since I had the pleasure of seeing you, I have reason to "fear that my brother's life, and the safety of the infant colony on Red River, are "in a perilous situation. My greatest fear is from treachery and machinations to "prejudice the natives against the colonists. Some of the wintering partners of the "North-West company think favourably of the undertaking, and will go all lengths "consistent with their duty and interest as North-West partners to prevent its "destruction. The strongest argument I have heard used to raise a jealousy in the "natives, is by inculcating on their minds a belief that they are robbed of their lands "without any indemnification. This I have heard a year ago, from the mouth of "a principal, and one of the chief instigators of this enmity to the colony." If the Indians have been led to entertain this jealousy as to their lands, it has not been from inattention on the part of my agent to satisfy any just claims. Captain M^c^Donnell had my instructions to make a purchase from the natives, of the lands required for the use of the settlement. In his letter of July 1813, less than a year after his arrival on Red River, he writes to the following effect: "I am at a loss in what manner to "make a purchase from the natives. Those here do not call themselves owners of "the soil, although long in possession. It belonged originally to the Crees, whom "the Ossinibergers, who are a branch of the Scaux, drove off. A small annual "present will satisfy the Indians here, and should the other make a claim, a present "will satisfy them also."

In the same letter, captain M^c^Donnell mentions circumstances which convinced him, that even at that period the North-West company had been endeavouring to give the Indians a bad impression of the colonists; and among other authorities he refers to a letter from Mr. John M^c^Leod, who had received information from a Canadian of the intrigues that were going on to influence the minds of the Indians, and by him it is distinctly stated, that the interpreter and clerk of the North-West company had told the Indians, should they allow "a colony to settle here they would be made slaves "of (which created great discontentedness among them;) and by their procrasti-"nating making objections to it, would only give advantage to get a superior force "to the colony." It appears that those inflammatory discourses had led the Indians to use menacing language towards the settlement; but in a further part of this report, captain M^c^Donnell writes, "I have had conferences with the principal chiefs of the Saul-"teaux tribes; all the formidable threats against us are blown over, they are now favour-"ably disposed towards the colony; as far as the state of our stores could afford I have "been liberal to them; they call me the master of the soil, their general father, come

"purposely

" purposely for their good. I am convinced, that should there ever be difficulties " with them, they must be created at the instigation of inimical traders. As to their " driving to general hostility with us, they cannot now do it. The premier or " superior hereditary, chief of all the Saulteaux tribes, is at my request encouraging " the Indians of Lake la Pluie to draw towards this river, to form themselves into " villages, plant Indian corn, &c."

It does not appear that any farther uneasiness has been entertained respecting the Saulteaux, who in fact have derived material benefit from their intercourse with the settlers; and many circumstances might be quoted, to prove the cordiality which subsists between them. The Saulteaux are the Indians who reside in the immediate vicinity of the settlement, and who alone could have any plausible or natural ground of objection to it. But the apprehensions which are now entertained, are from the Ossinibergers, whose country lies at a great distance, and with whose interests the settlers cannot interfere, so that there is no probability, that a hostile feeling could have arisen on their part, unless it had been industriously fomented.

As the Indians are in the habit of daily intercourse with the Canadian traders, while Captain M'Donnell had little or no opportunity of removing any mistaken impression, and as you have now before you the testimony of an unexceptionable witness, who from personal knowledge, states that arguments have been used "to raise a jealousy in the natives," and to "instigate enmity to the colony," the symptoms of hostility which have been observed on the part of the numerous and warlike tribe of Indians, cannot be a matter of little moment, or the result of mere casual irritation.

Along with the circumstances which have thus recently come to our knowledge, we cannot forget the vehement opposition to the intended settlement, which was expressed as far back as the year 1811, by persons connected with the North-West company. In your own hall you heard the violent language of more than one of these gentlemen on the subject; and to the circumstances which your recollection will supply, I beg leave to add a minute written by Captain Miles M'Donnell, on the 24th May 1811, relating the circumstances of an interview with a distinguished partner of the North-West company, two days before, when the conversation had turned on the proposed settlement on Red River, and among other expressions, this gentleman had declared "that he was determined to give all the opposition in his power, whatever might be the consequences; that such a settlement struck at the root of the North-West company, which it was intended to ruin. If other people did not clearly see their own interest, he did; that the settlement must at all times lay at the mercy of the Indians, who would not be bound by treaties, and that even one North-West interpreter would be able at any time to set the Indians against the settlers to destroy them."

At the period that I refer to, I was inclined with you, to consider the language of these gentlemen, as an idle menace, intended only to deter us from the prosecution of our design, and I did not believe that the North-West company could be induced seriously to entertain so horrible a project, as that of instigating the Indians to destroy their fellow subjects. It still appears to be almost incredible, that such a project should be entertained; yet under the circumstances which I have stated, I cannot think that we should be justified in trusting the lives of the settlers to chance, or to the forbearance of those who do not scruple to avow the interest they have in destroying the settlement. However respectable many members of the North-West company may be, we know, that among their partners there are individuals, who have hardly a better notion of law or justice than the Indians themselves; men who have lived from early youth, at a distance from the restraints of civilized society, whose notions of honour and morality are nearly comprized in the one point, of zealous attention to the interests of their partnership, and who with uncultivated minds, and impetuous passions, have been accustomed to believe that the remoteness of the country will shelter them from any legal investigation of their conduct. It is difficult to say how far such men may not be carried by the thirst of gain, combined with the habit of acrimonious rivalship.

Under these circumstances, the necessity of affording adequate protection to insure the safety of the colonists, must be evident. I beg leave to submit to your consideration, whether this can be adequately provided for, without the aid of His Majesty's government. I have the honour to be, &c.

To the Governor and Committee of the Hudson's Bay Company. (Signed) *Selkirk.*

— No. 6. —

*N. B.*—The governor of the Hudson's Bay company, on the 17th February addressed a letter to Earl Bathurst, transmitting Lord Selkirk's of the 14th, together with the statement concerning the formation of the settlement on Red River; and observing that the facts which were stated, though they might not be sufficient to criminate the individuals alluded to, appeared to lay strong grounds of suspicion, and to call for measures of prosecution to secure the lives of the colonists; for which purpose, he prayed the aid of His Majesty's government by a military force, to be stationed on Red River.

The papers inclosed, appear to contain every thing that is necessary for elucidating the subject, unless some reference should be made to the *affair of the dried provisions* of the North-West company, which were embargoed last Summer by Captain M'Donnell, a circumstance which appears to have been studiously misrepresented by the North-West company. On this subject, it is to be noticed, that Captain M'Donnell had no intention of interfering with the trade, or infringing the private property of the North-West company; but that as governor of the district, he had issued a general prohibition against the exportation of provisions for a limited time, under the general discretionary power vested in the governor of every British colony, to do what is necessary for the preservation of the inhabitants in cases of urgent danger of scarcity, in virtue of which exportation of provisions is frequently prohibited by the authority of the Governor in other colonies. Captain M'Donnell was willing to allow every exception which could reasonably be expected; but he was for a long time prevented from entering upon the consideration of any reasonable limitation, by the obstinacy with which the North-West company refused to submit to his lawful authority.

Extract of a Letter from Miles M'Donnell, Esq. to the Earl of Selkirk; dated Fort William, Lake Superior, July 25th, 1815.

My Lord,

My letters of the 20th and 25th June and 2d July, will inform your Lordship of the disastrous events which took place at Red River, my being a prisoner with the North-West company, and their subsequent destructive operations at the settlement. Since I left there, I learnt that the North-West company drove off all the people who would not agree to join with them, or accept of a passage to Canada; and that their personal safety, as well as that of the colonial stores, was owing to a party of Indians who assembled for their protection, and escorted the people and property safe to the Lake (Winipic). That since the departure of our people, the North-West company have burnt all the houses to the ground, without even excepting the mill. Mr. John M'Leod, who was left there with five or six men in the name of the Hudson's Bay company, witnessed all the transactions. I trust, however, that our people can return shortly with reinforcements; the enemy cannot long remain there in force, and must soon disperse. There are good crops on the ground, the greater part of which may be taken care of by Mr. M'Leod and party, until the return of our people.

I am kept here in confinement till the North-West people chuse to bring me to Montreal, at their own convenience. Several of their canoes have gone off, but I could not get a passage. Mr. Spencer, who has been their prisoner since the 6th September last, is yet no farther than this place, after passing the winter at Lac la Pluie. Whether they will attempt to bring us to trial at Montreal, or not, I cannot say to a certainty, but I am certain we need not expect any indulgence from them. They have been taking down here the complaints of all the settlers that have arrived; the promises they chuse to say were made to them by your Lordship, and their treatment since they came to the country. If they only state the truth, I am sure they will have nothing material to complain of; but to palliate their own unjustifiable conduct, and to please the North-West company, on whose hands they have thrown themselves, I think that many of them will not stick at saying whatever is required of them. It is said the North-West company intend to settle them at Matchedashe Bay or Lake Huron, where they are to obtain crown lands for them.

*N. B.*—The rest of the letter is on another subject.

Published

Published by Authority.—Anno quadragesimo tertio Georgii III. Regis, ch. 138. Inclosure (16) in Sir G. Drummond's, of 16 August 1815.

"An Act for extending the jurisdiction of the Courts of Justice in the Province of Lower Canada and Upper Canada, to the trial and punishment of persons guilty of crimes and offences within certain parts of North America, adjoining to the said Provinces."—(11th August 1803.)

"Whereas crimes and offences have been committed in the Indian territories, and other parts of America, not within the limits of the provinces of Upper or Lower Canada, or either of them, or of the jurisdiction of any of the courts established in those provinces, or within the limits of any civil government of the United States of America, and are therefore not cognizable by any jurisdiction whatever, and by reason thereof great crimes and offences have gone and may go unpunished, and greatly increase: For remedy whereof, may it please Your Majesty, that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the consent and advice of the Lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, all offences committed within any of the Indian territories, or parts of America, not within the limits of either of the said provinces of Upper or Lower Canada, or of any civil government of the United States of America, shall be and be deemed to be offences of the same nature, and shall be tried in the same manner, and subject to the same punishment, as if the same had been committed within the province of Lower or Upper Canada.

2d. "And be it further enacted, that it shall be lawful for the Governor or Lieutenant Governor, or person administering the government for the time being of the province of Lower Canada, by commission under his hand and seal, to authorize and empower any person or persons whomsoever, resident or being at the time to act as civil magistrates or justices of the peace for any of the Indian territories or parts of America not within the limits of either of the said provinces, or of any civil government of the United States of America, as well as within the limits of either of the said provinces, either upon informations taken or given within the said provinces of Lower or Upper Canada, or out of the said provinces in any part of the Indian territories, or parts of America aforesaid, for the purpose only of hearing crimes and offences, and committing any person or persons guilty of any crime or offence to safe custody, in order to his or their being conveyed to the said province of Lower Canada, to be dealt with according to law; and it shall be lawful for any person or persons whatsoever to apprehend and take before any person so commissioned as aforesaid, or to apprehend and convey, or cause to be safely conveyed, with all convenient speed to the province of Lower Canada, any person or persons guilty of any crime or offence, there to be delivered into safe custody, for the purpose of being dealt with according to law.

3d. "And be it further enacted, that every such offender may, and shall be prosecuted and tried in the courts of the province of Lower Canada (or if the Governor or Lieutenant Governor, or person administering the government for the time being, shall from any of the circumstances of the crime or offence, or the local situation of any of the witnesses for the prosecution or defence, think that justice may be more conveniently administered, in relation to such crime or offence, in the province of Upper Canada, and shall by an instrument under the great seal of the province of Lower Canada, declare the same, then that every such offender may and shall be prosecuted and tried in the court of the province of Upper Canada), in which crimes or offences of the like nature are usually tried, and where the same would have been tried if such crime or offence had been committed within the limits of the province where the same shall be tried under this Act; and every offender tried and convicted under this Act, shall be liable and subject to such punishment as may by any law in force in the province where he or she shall be tried, be inflicted for such crime or offence, and such crime or offence may and shall be laid and charged to have been committed within the jurisdiction of such court; and such court may and shall proceed therein to trial, judgment and execution, or other punishment for such crime or offence, in the same manner in every respect as if such crime or offence had really been committed within the jurisdiction of such court; and shall also be lawful for the judges and other officers of the said courts to issue subpœnas and other processes for enforcing the attendance of witnesses on any such trial; and such subpœnas and other processes shall be as valid and effectual, and be in full force and put in execu-

tion in any parts of the Indian territories, or other parts of America, out of and not within the limits of the civil government of the United States of America, as well as within the limits of either of the said provinces of Upper or Lower Canada, in relation to the trial of any crimes or offences by this Act made cognizable in such court, or to the more speedy and effectually bringing any offender or offenders to justice under this Act, as fully and amply as any subpœnas or other processes are within the limits of the jurisdiction of this court, from which any such subpœnas or processes shall have issued as aforesaid; any act or acts, law or laws, custom, usage, matter or thing to the contrary notwithstanding.

4th. "Provided always, and be it further enacted, that if any crime or offence charged and prosecuted under this Act, shall be proved to have been committed by any person or persons not being a subject or subjects of His Majesty, and also within the limits of any colony, settlement or territory belonging to any European states, the court before which such prosecution shall be had, shall forthwith acquit such person or persons not being such subject or subjects as aforesaid of such charge.

5th. "Provided nevertheless, that it shall and may be lawful for such court to proceed in the trial of any other person, being a subject or subjects of His Majesty, who shall be charged with the same, or any other offence, notwithstanding such offence shall appear to have been committed within the limits of any colony, settlement or territory, belonging to any European state as aforesaid."

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No. 7.

Copy of a Dispatch from Lieut. General Sir Gordon Drummond, G. C. B. to the Earl Bathurst, K. G.; dated Quebec, 2d November 1815:—Two Inclosures.

My Lord, Castle of St. Louis, Quebec, 2d November, 1815.

In my dispatch to your Lordship of the 16th August last, and in the documents which accompanied it, I had the honour of conveying to your Lordship a detailed view of the situation of the settlement on the Red River, and of the matters in dispute between the persons employed there by the Earl of Selkirk, and the servants of the North-West company: And I endeavoured to show your Lordship, that it would be both impolitic and impracticable to convey to that distant territory the military assistance for which Lord Selkirk applied to His Majesty's government.

I now inclose to your Lordship, copy of a letter I received from Sir Frederick Robinson (then exercising the government of Upper Canada,) transmitting a statement presented to him by Mr. M'Gillivray, one of the heads of the North-West company; by which documents your Lordship will see that several of the settlers of the Red River establishment (to the number and of the description specified in the inclosed return) have forsaken the place, and by the assistance of the North-West company, have found their way into the upper province, where they are now subsisting on the means of government.

Although I could not but lament this entire dispersion of the colony which Lord Selkirk has been endeavouring to form, yet as it has occurred, and as the persons who have thus sought refuge within the limits of my authority, were without the means of subsistence, I have authorized the issue of rations to them, for their immediate support, and I have recommended to Lieut. Governor Gore to grant locations of land, with the usual conditions and advantages, to such of them as shall be willing and qualified to take up land as settlers.

These measures I have been induced to adopt, as well from motives of common humanity as from the consideration, that many of the persons in question are of a description exactly similar to those already sent out from Scotland under the protection of government. But at the same time, the arrangements with respect to them being merely of a temporary nature, their final destination must be determined by the instructions of His Majesty's government: and in the mean while the labour of those who shall receive locations will contribute to repay the expense incurred for their support. I have the honour, &c.

The Right Hon^ble^ the Earl Bathurst, &c. &c. &c.

(Signed) *Gordon Drummond.*

Sir,

Sir, Kingston, August 22d, 1815. Inclosure (1) in Sir G. Drummond's, of 2 November 1815.

Herewith I have the honour to transmit, for the consideration of your Excellency, a statement submitted to me about ten days ago, by Mr. M'Gillivray, respecting a large body of Lord Selkirk's settlers, who have been for the present taken under the protection of the North-West company. My answer to Mr. M'Gillivray was, that it should be submitted to the council. As I am not sufficiently master of this subject, I shall feel myself much indebted to your Excellency for some information and insight into the cause of these people having been removed, and why that should have been the voluntary act of that company.

It is to be regretted, that we had not been consulted before they were put in motion, as it appears at present very like bringing paupers to our door, and leaving them to our mercy.

If those people are likely to become useful settlers, and certainly men who have encountered such hardships and difficulties it may be expected from, I should like to receive and locate them upon the Ridean; their numbers would supply the deficiency from Europe, and enable us to complete our present object.

I have the honour to be, &c.

His Excellency Sir Gordon Drummond, &c. (Signed) *F. P. Robinson*, M. Gen$^{l}$.

(A true copy.) (Signed) *Robert R. Loring*, Secretary.

## STATEMENT, &c.

Inclosure (2.)

### Relative to the Settlers from the Red River.

In the year 1811, the Earl of Selkirk having obtained from the Hudson's Bay company (whereof he is a great stockholder) a grant of a large tract of land in the interior of the continent of North America, and which grant the company assumed the right to make without any sanction from government, or any purchase from the nations of the country; his Lordship, with that eargerness for promoting emigration and establishing colonies, which he has so often manifested, immediately circulated advertisements, inviting settlers to emigrate to this new colony, which he has projected to establish on the banks of the Red River.

These advertisements held out inducements of every description to engage settlers; fertility of soil, salubrity of climate, freedom from taxes, tythes, and poor rates, were all enumerated among the blessings of this land of promise; and the real facts of the case were carefully suppressed, namely, that the proposed colony was situated at the distance of about 2,000 miles from any Atlantic port, and above half that distance from any other settlement whatever; that the settlers would be totally precluded from communication with the civilized world, and from the possibility of finding a market, if they should succeed in raising produce for exportation. It was also carefully concealed, and contradicted by Lord Selkirk's agents, when asserted by other persons who possessed local knowledge of the country, that the proposed colony was situated in the midst of warlike tribes of Indians, whose jealousy towards the cultivators of lands is well known, and who would have a good cause of quarrel against such cultivators taking possession of their lands, without their consent or authority.

In consequence of these advertisements, and the personal exertions of Lord Selkirk and his agents, successive embarkations of emigrants to the new colony took place in the year 1811, 12, and 13; some from Ireland, but chiefly from the northern parts of Scotland; these unfortunate persons, however, soon found they had been cruelly deceived in the expectation held out to them, and found themselves disappointed of all the advantages they had hoped to possess. The first embarkation took place in 1811, and they arrived at York Fort, in Hudson's Bay, too late to get into the interior that winter, which accordingly they were obliged to pass on the shores of the bay, in a state of extreme misery from the severity of the climate, and in danger of actual starvation. In the embarkation of 1812, from the ship being crowded with passengers, the jail fever broke out amongst them and carried off several. In short, the miseries which these poor creatures had to endure on their passage to Hudson's Bay, and their voyages in boats at most inclement seasons from thence to the Red River, are such as can scarcely be understood, except by persons who have some knowledge

of the country they traversed; and their own description of their sufferings is such as it is to be hoped would prevent Lord Selkirk, if he could hear it, from sending any more emigrants on the same destination.

The first settlers reached the proposed colony in the fall of 1812; and in the course of the following winter they would have perished for want of food, but for the assistance which they received from the North-West company's trading posts in their vicinity. Subsequent arrivals took place in the years 1813 and 1814; and the soil of the country being really fertile, as far as it is sheltered with woods, they might ultimately have succeeded in raising grain sufficient for their subsistence, but the measures of their leader began to involve them in quarrels with the natives of the country, especially the half-breed Indians, a daring, and now a numerous race, sprung from the intercourse of the Canadian voyagers with the Indian women, and who consider themselves the possessors of the country and lords of the soil. Their principal leader, and Lord Selkirk's principal agent, was a Mr. Miles M'Donnell, formerly of this province, who on the 8th January 1814, issued a proclamation calling himself governor of Assiniboine, and assuming powers greater than those usually delegated to governors appointed by the crown.

He told the settlers and the Hudson's Bay company's servants, that the colony was erected into a separate and independent jurisdiction, the laws and government of which were both to be administered by himself. This could only have been looked upon as an empty boast; but that he proceeded upon the unprecedented authority thus assumed, and engaged his followers in acts of violence, for which he is now a prisoner, on his way to be tried in the courts of Lower Canada. The disorders excited in the country by these acts of violence, the disgust given to the settlers by the extensive disadvantages of the country, as well as the violence and tyranny of their leader, and the dread of the natives, Indian and mixed breed, all contributed to break up the colony. Some few of the settlers (about fourteen families) have returned to Hudson's Bay, and all the remainder threw themselves upon the compassion of the North-West company, to obtain the means of conveyance to Canada. Some of them state upon oath, that they left their homes in expectation of coming to Canada at once, and were only told of their actual destination at Stornaway, in the island of Lewis, from whence the embarkation took place; others state also upon oath, that they were informed the distance from Red River to Canada was short, and the communication easy, so that if they did not like that country, they might leave it, and join their friends in Upper Canada; and others, that they were to go to Canada by way of the Red River.

Under these circumstances, partly from compassion towards these poor people, and partly from a dread of the consequences of their remaining in the interior, (because in the event of the Indians attacking them, it was feared that the hatchet once raised, would not discriminate between a settler and a trader, but that all the white men in the country might become its victims,) the North-West company has afforded these settlers a conveyance to this province, and the means of subsistence, since they left the Red River. The number brought to Fort William (the company's chief post on the shore of Lake Superior) was about 140 souls, probably forty or fifty families (heads of families) and some single men, and the whole of them are now on their way to York, unless some may have obtained employment to their satisfaction about St. Mary's or St. Joseph's.

Hopes have certainly been held out to them of obtaining lands from the government of this country, and they are coming down with the hopes of being received as settlers, on the same footing as if they had come direct from Scotland; but this point rests entirely for the decision of government; the North-West company only promised these people a conveyance to Canada, and subsistence for the journey; this promise has been performed, and they are now left to the clemency and protection of government, who no doubt will extend to them a fostering hand.

(Signed) *Wm M'Gillivray.*

Kingston,
15th August 1815.

(A true copy.)
*Robt R. Loring*, Secr.

York, 22d September 1815.

A List of Settlers from Red River, arrived at Holland River; 6th September 1815.

Old men.
- Donald Gunn, wife and daughter.
- Alexander Gunn, and wife.
- Angus M$^{c}$Donell, wife and two children.
- Niel M$^{c}$Kinnon, wife and two boys.

Miles Livingston, wife and two children.
Angus M$^{c}$Kay, wife and one child.
John Mathieson, d$^{o}$ - - d$^{o}$.
John Mathieson, jun$^{r}$, d$^{o}$.
George Bannerman. d$^{o}$.
Andrew M$^{c}$Beath, wife and one child.
William Sutherland, d$^{o}$ - - d$^{o}$.
Angus Gunn, - d$^{o}$ - - d$^{o}$.
Alexander Bannerman, and wife.
Robert Sutherland, - - d$^{o}$.
W$^{m}$ Bannerman, - - d$^{o}$.
James M$^{c}$ Kay, - - - d$^{o}$.

Widows.
- Mrs. Barbara M$^{c}$Beath.
- Jeannet Sutherland, and two boys.
- Elizabeth d$^{o}$.
- Christy Bannerman.
- Jeannet M$^{c}$Donell.

Young Women, unmarried.

| | |
|---|---|
| Jane Gray. | Isabella M$^{c}$Kinnon. |
| Eliz$^{th}$ Gray. | - - - - M$^{c}$Kinnon. |
| E. Bannerman. | Cath$^{e}$ M$^{c}$Donell. |
| E. Gunn. | Eliz$^{th}$ M$^{c}$Kay. |
| Jannet Sutherland. | |

Young Men, not married.

| | |
|---|---|
| John Murray. | Angus Sutherland. |
| Alex$^{r}$ Murray. | Thomas Sutherland. |
| W$^{m}$ Gunn. | Alex$^{r}$ Matheison. |
| Hugh Bannerman. | John M$^{c}$Pherson. |
| Hector M$^{c}$Leod. | Rob$^{t}$ Gunn. |
| George Gunn. | Geo. Sutherland. |
| Cha$^{s}$ M$^{c}$Beath. | |

N. B. The young people capable of labour, are generally employed between York and Newmarket. The old people are stationed at Newmarket for the present; some of the settlers having gone to Montreal, one not included in this list.

(Signed) *D. M$^{c}$Lean.*
Agent for the N.W. Company.

(A true copy.)
*W$^{m}$ Gibson.*

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No. 4. Copy of a Dispatch from Lieut. General Sir Gordon Drummond, G. C. B. to the Earl Bathurst, K. G.; dated Quebec, 6th December 1815:—Two Inclosures.

My Lord, Castle of St. Lewis, Quebec, 6th Dec. 1815.

Herewith I have the honour to transmit to your Lordship various documents relative to the dispersion of the colony established by the Earl of Selkirk at Red River.

To account for my again addressing your Lordship on this subject, after so full a communication as that which I had the honour to make on the 2d of November, I beg leave to observe, that Earl Selkirk shortly after his arrival in this country, presented the letter and statement, of which copies are herewith enclosed.

His Lordship at the same time in person urged me to send a military force to the Red River.

Although nothing was adduced by the Earl, which could possibly make a change in the sentiments which I had already felt it my duty to convey to your Lordship, on the impracticability of the measure, yet anxious to afford every satisfaction in the question, and at once to convince still further both His Majesty's Government and the Earl Selkirk himself, that the object, if at all attainable, could not be accomplished without the most serious detriment to His Majesty's service, I called upon the Commissary General to furnish me with all information on the subject, judging from the known abilities and experience of Mr. Robinson, that no person could be so well qualified as himself to afford it, free from interest or bias: the propriety of calling upon this officer was more particularly obvious, as upon him rested the execution of any orders that might be given for the establishment of a military force in that quarter.

The Report and Memoranda of the Commissary General I have now the honour to forward, by which your Lordship will at once see that the object contemplated by the Earl of Selkirk can in no reasonable possibility be effected.

I likewise beg leave to forward the copy of a letter, with two accompanying documents, which I have received from the Honourable Wm. M'Gillivray, on the part of the North-West company, which body I thought fit to direct to be informed of the circumstance of Lord Selkirk's having presented me with the statement drawn up by Mr. M'Donnell, in order that an opportunity might be afforded them of furnishing any reply they might have to make.

This step I judged proper, to prevent the necessity of any reference being made from home, in consequence of the consideration of Lord Selkirk's correspondence on the subject.

During an interview with his Lordship, I was made acquainted by him of his intention of proceeding in the Spring to Red River; and some apprehension being entertained by his Lordship for his personal safety, in the performance of this undertaking, I did not hesitate to accede to his request of being permitted to take with him as an escort, at his own charge and expense, any officer with five or six soldiers, who might be found ready to volunteer their services in accompanying his Lordship during this truly laborious route.

I at the same time expressed to the Earl, my very great regret at not finding it in my power more fully to meet his wishes.

I trust that on a review of the causes which render it impracticable to detach and station a force at Red River, your Lordship will see grounds to be in every respect satisfied, that in hitherto declining the attempt, I have been guided by the conviction and judgment, which I feel confident will be found best calculated to preserve the interests of His Majesty's Government in that portion of his dominions committed to my charge.

I have, &c.

The Earl Bathurst, K. G.
&c. &c. &c.

(Signed) *Gordon Drummond.*

Inclosure (1) in Sir G. Drummond's, of 6 December 1815.

Sir, Montreal, 11th November 1815.

Previously to my departure from England, I had received from Messrs. Maitland, Gordon & Auldjo, copies of the communications which they had in the month of June last with the Deputy Adjutant General, relative to my application for protection to the settlers of Red River; and since my arrival here I have seen another letter, addressed to them on the same subject on the 12th July. It appears to me that they have misapprehended this letter, which I conceive to have been meant as a communication of the allegations of Mr. M'Gillivray, to which it was necessary that a satisfactory answer should be given before your Excellency could comply with our request. It is impossible for me to suppose that it could be intended to give a decided negative without further inquiry; and that a determination to afford no protection to these settlers could be taken upon the mere *ex parte* statement of those from whom the danger was apprehended. I regret, that from this mistake, Messrs. Maitland, Gordon & Auldjo omitted to give your Excellency, at an earlier date, those further explanations

explanations which they could have furnished. I am satisfied, however, that before that time it was too late to do any thing for the present season; for, in fact, before the communications from Earl Bathurst on this subject appear to have reached Quebec, the machinations which excited my apprehensions had been completely carried into effect. I beg leave to lay before your Excellency a narration of the occurrences at the settlement on Red River up to June 15th, drawn up by Miles M'Donnell, Esq. a gentleman of unquestionable honour and veracity. And I cannot entertain a doubt, that upon a perusal of this document, your Excellency will be satisfied of the urgent necessity of that protection, for which I applied to Earl Bathurst in February last, and that you will see the propriety of taking measures without delay; so that on the first opening of the navigation next Spring, a force may be sent up sufficient to prevent the renewal of similar acts of violence. As the narrative which I inclose embraces a variety of circumstances which are not immediately relevant to the points in question, your Excellency will permit me to direct your attention particularly to the 30th, 31st, 32d, 33d and 36th paragraphs; from which you will observe, that in the beginning of June last a body of armed men, under the influence of the North-West company, issuing from their fortifications, and commanded by persons actually in their employment, made a violent attack upon the settlement which had been formed upon my lands at Red River, that they not only fired upon my servants, wounded several of them; and besieged Mr. M'Donnell in his house, but also seized unoffending settlers, who were peaceably engaged in the cultivation of their farms, carried them away by force, so as to prevent their tilling the ground at that most important season of the year, destroyed the crops which had already been planted, killed or drove away their cattle, burned their houses, and destroyed all the improvements which had been effected by their industry.

Your Excellency will also observe, from the 35th, 39th and 41st paragraphs, that after Mr. M'Donnell, unable to resist the superior force of his antagonists, had surrendered himself a prisoner, the remaining settlers were compelled by the North-West company to quit their settlement, and fly for protection to the factories of the Hudson's Bay company on the sea coast.

I can well believe, that there are individuals among the leading partners of the North-West company, whose character and principles are too honourable to allow them to be concerned in such nefarious proceedings; and I have no doubt that the company at large will attempt to deny all participation in these outrages, and to ascribe them to the spontaneous movement of the individuals immediately concerned. Of the validity of this vindication it will be for a court of justice to decide. But the necessity of a military force to repress such violence in future, must be equally evident, whether the North-West company succeed in exculpating themselves or not. Even if the outrages which have taken place should prove to have been the wanton act of the persons immediately engaged in them, and prompted by no higher influence, it would surely be most disgraceful to the British government if these lawless ruffians should be suffered to make open war upon their fellow-subjects, to drive them away from their peaceful and lawful occupations, and deprive them of their rightful property, and their means of subsistence. Your Excellency will observe, from the 29th and and 40th paragraphs, that these outrages were not committed by any of the Indian natives, but by Canadians, mixed with the bastard sons of others, who have thrown off the restraints of regular society, and cohabiting with Indian squaws, have formed a combination of the vices of civilized and savage life. These vagrants came originally into the country as servants to the fur traders; many of them are still in their immediate employment; and those who have been discharged remain in a state of dependence on the North-West company. The real Indian natives took no part against the colonists, but on the contrary were disposed to assist them. With respect to the conduct of Mr. Miles M'Donnell, I beg leave to observe, that this gentleman is not to be considered (as Mr. M'Gillivray seems to insinuate) merely as the agent of an individual or a chartered body. He was governor of the district, deriving his authority from the crown, through the medium of those to whom the appointment is delegated by a royal charter; by which also the powers of civil and criminal jurisdiction are conferred. And as there is no other judicature to try the crimes which may be committed in that district, or the questions which may arise there between man and man, it was by no means from a wanton disposition to assume authority, that Mr. M'Donnell was induced to exercise the powers with which he was invested. As to the proceedings which Mr. M'Gillivray calls in question as illegal, I have no doubt that when the matter is fully investigated, the conduct of governor M'Donnell

will be justified; but it is unnecessary at present to enter at large upon this subject, because, even if he had been wrong, that could not justify the North-West company in taking redress at their own hands, still less in such a tissue of outrageous conduct towards persons who were in no degree concerned in the acts which they complained of. And here I may be allowed to observe, that when the dangers to which the settlers might be exposed, are ascribed by Mr. M'Gillivray to the demeanour of Mr. M'Donnell towards the servants of the North-West company, such a pretext cannot very easily be reconciled to the allegation, that the violence which has taken place was in no degree instigated by any gentleman connected with that company.

Before I quit this subject, I would only beg leave to observe, that if Governor M'Donnell had acted illegally or improperly, the plain course for obtaining redress was, for the persons aggrieved to complain to the Privy Council. If the North-West company had been disposed to try the question fairly, their complaint might have been brought forward in London more than 12 months ago; and if they had any confidence in the justice of their own cause, it is not easy to explain why a set of gentlemen of so much ability and knowledge of business should have declined to act in this regular mode, and should have preferred such a violent and unheard of proceeding, as that of arresting the governor of the district within his own bounds, and carrying him off by virtue of a warrant from a justice of peace in another jurisdiction, and that too for an act which, if it was illegal, was no more than a civil trespass, or at the very utmost, a bailable offence. For this strange line of conduct I can imagine only one reason, viz. that in the infant colony under the command of Mr. M'Donnell, there was no other person capable of managing the undertaking, and that if he could be unexpectedly carried off, no doubt could be entertained, that the settlement might be easily broken up. But it would not have served this purpose to call upon Mr. M'Donnell to answer for his conduct before the Privy Council, since on his being ordered home, there would have been time to have sent out a competent person to fill his place.

Be this as it may, the conduct of Mr. M Donnell, or any recriminations between him and the gentlemen of the North-West company, can in no degree affect the main question, which your Excellency has to determine, viz. as to the necessity of military protection, to prevent the recurrence of such acts of violence as were perpetrated last Summer at Red River.

If as to this point, any doubt can still remain upon your Excellency's mind, I trust that it must be removed, upon a consideration of the present condition of the people who have been driven away from the settlement. Though the North-West company succeeded in seducing a majority of the settlers to desert their engagements and withdraw to Upper Canada, yet a considerable proportion of them remained steady; and retired with their remaining officers towards York factory on Hudson's Bay; where I understood it was their intention to remain till they should be enabled to return to Red River. Some other people, who on the invitation of their friends at that settlement, embarked from Scotland a few months ago, will also be obliged to remain near the factor[illegible] These two bodies of people will amount to nearly 150 persons, men, women, and children, who are forced to remain in a situation comparatively very inhospitable, where little or no preparation can have been made for their reception, and where they must be supported at an enormous expense till they are enabled to resume the cultivation of their own lands, under the safeguard of the public force.

I have, &c.

His Excellency Sir G. Drummond, &c. &c. &c.

(Signed) *Selkirk.*

Inclosure (2) in Sir G. Drummond's, of 6 December 1815.

A Sketch of the Conduct of the North-West Company towards Red River Settlement, from September 1814 to June 1815 inclusive.

1. I arrived at the settlement, from the coast of Hudson's Bay, October 19th.—The arrangement concluded with the proprietors of the North-West company in June last, for provisions for the ensuing winter, and the advantages we expected to derive mutually from the prospect of a friendly intercourse with each other, appeared to be at an end. I was the more surprised at this, as Mr. Duncan Cameron, who was sent by his associates to manage the affairs of the department, was one of the proprietors who had made the arrangement with me for the provisions. Fortunately for us and themselves, Lord Selkirk prudently kept back the people who wished to emigrate, until accounts should reach home, that we were ready to receive them, permitting only about 15 persons to come out by the ships, chiefly tradesmen.

2d. Mr. John

2d. Mr. John Spencer, our Sheriff, was arrested by a warrant from A. N. M'Leod, Esq., a justice of peace for the Indian territory and one of the agents of the North-West company, and was carried away a prisoner.

6th September. Bail was offered by the gentlemen and people of the colony to any amount for his appearance at Fort William or Montreal, or even to be kept a prisoner at the North-West company's fort till I should arrive at the settlement; but all was rejected by Mr. Cameron, who sent off a canoe with him towards Fort William. The people would have rescued him when passing the settlement, and assembled for the purpose; but the gentlemen discountenanced the project.

3. All the fat seized along with the other provisions, was left at Brandon House, which had been put in possession of the North-West company for the purpose of bringing it down, and delivering it to us at the Forks, as I had lent them the quantity they required for the trade, out of our store; Mr. John Wills and J. Dugald Cameron, two of their proprietors, having pledged themselves particularly to have it brought down and delivered to us at the settlement. Indeed all the partners pledged themselves in the same way at the time the arrangement took place. Finding that this had not been done, Mr. Cameron was applied to the day after my arrival. For some time he evaded to give a direct answer, saying that it was not convenient at that season for the want of men. This was waved by our offering to bring it down ourselves, upon which he was obliged to give a positive refusal to let us have it. This was a great disappointment, having reckoned much on this article for the support of the people through the winter.

4. Mr. Duncan Cameron arrived in Red River, sporting a suit of military uniform, gave himself out as a captain in His Majesty's service, and acting by the King's authority from Sir George Prevost. Every well-informed person looked upon this as a self-created appointment, at most a North-West trick; but it had a very considerable effect upon the lower class of people. Captain Cameron had subordinate officers, Lieutenant Alexander M'Donnell and Ensign Seraphim Lamar. It is said that last Spring, the North-West clerk, Cuthbert Grant, was appointed to be a captain over the half breeds, William Shaw, lieutenant, and Peter Pangman Bostonois, ensign. It appears that the officers are still getting commissions in the voyageur corps, although that corps has been disbanded by Sir George Prevost's general order of 1st March 1815. All the North-West gentlemen have returned inland this year with military appointments, swords and uniforms.

5. Mr. Cameron began early to use every insidious means to create dissatisfaction among our people. To the tradesmen and other servants was held out the alluring temptation of the great wages they might get in the Canadas, with offers to bring them there free of expense. Agents were employed, and a communication opened with our people at Fort Daer; every man was sounded; we had no idea, for a length of time of the extent of the mischief.

6. The emigrants that arrived last from Sutherlandshire, after seeing the country, and being put in possession of their different allotments of land, were so pleased with the flattering prospect before them, that they wrote home to their friends, inviting them in the most pressing terms to come to join them. Since their intercourse with Mr. Cameron, the tranquillity and happiness of these people have been interrupted by the most insinuative and delusive arts of which he is capable. They are asked to the North-West fort, where they are addressed by him in their own language, treated with a dram, and perhaps to sit at table with him; he affects to sympathize with them, for having come to a new and wild country; reflections on the distinguished nobleman who sent them, and the persons having charge of them here, are not spared. He dwells on the dangers they must inevitably be exposed to from the natives, whom he represents so full of cruelty and treachery, as to come at night unprovoked to cut their throats, and that they are only restrained from such acts of violence by the influence he has over them. He then expatiates on the beauty and wealth of the Canadas, offers to bring them there at the expense of the North-West company, and to give them lands, with cattle and implements of husbandry, gratis. They were also led to believe, that they could never get out of the country unless they embraced the offers then made to them. By such plausible discourse have these people been misled, who know no better.

7. By the arrangement which Mr. Cameron and the other proprietors had made with me, they were to assist in feeding the colonists in the course of the ensuing

winter, and were to furnish us with fresh buffaloe or other meat, to the amount of or equal to 175 bags of penican, which I had given them back of the provisions seized, on this express condition. Instead of complying with this, Mr. Cameron forbade the freemen to furnish us with any meat; and when we sent to those who owed debts to the settlement to make payment, he took care to be before-hand with us, sent his interpreters before us to get all these people had from them.

8. It was deemed a measure beneficial to the country, which would facilitate in general the procuring of provisions, that certain free Canadians and half-breeds, their children by Indian women, who made a practice of hunting the buffaloe at all seasons, should be restricted. The North-West gentlemen who passed the Summer in our vicinity, Messrs. Wills, J. Dugald Cameron, and Seraphim Lamar, encouraged me to give out an order against this practice, which I did before I left the settlement to go to York Fort. The people in general were well pleased with the restriction, as only a few of these had hunting horses, about five or six, the chief of whom was Beaulino, the North-West hunter. This order remained on the North-West gates, at the Forks and Brandon House, till taken down by the orders of Mr. Cameron. After his arrival, he informed the free Canadians and their children, that they should not be restricted in any way. In contradiction to this, he was heard to declare early in the Fall, that it was formerly no crime in the freemen to hunt for the colony, but that he would take good care they should not do so in future. These free Canadians were formerly in the service of the North-West company, and on becoming burthened with families and infirm, obtained permission to remain in the country, on condition of giving all the furs and provisions to the North-West company. They and their children stand much in awe of the North-West traders, who assume a right to their services whenever they choose to call on them, and threaten to take them to Canada if they disobey. These threats have often been put in execution; and men that served the concern the best part of their lives, have been separated from their families for taking advantage of a better price for their labour, than what the North-West company would give them.

9. Repeated accounts reached us from our people at Fort Daer (Pembina,) that the cattle were driven from our hunters by Beaulino the North-West hunter, and others, running them on horseback, on which account they were not getting much meat. Our people at Turtle River, and Mr. M'Leod the Hudson's Bay trader there, made repeated complaints of the same nature; that our hunters could not kill a sufficiency of cattle; that when they would be crawling on their bellies after a herd of buffaloe on the snow, a party of horsemen would come before them and drive away the herd; that my immediate interference was required, or the consequences would be serious. The natives also complained of this mode of hunting, as they had not horses, and their fear of the Sioux would not admit of their pursuing after the cattle far. It appeared that the North-West were determined to counteract us in every way; their hunter Beaulino, who always kept 10 or 12 horses for running cattle, was the principal aggressor.

10. About the 10th January, I left the settlement, reached Fort Daer, and from thence Turtle River. Mr. M'Lean and some other settlers accompanied me, going to get meat for themselves. I left orders with Mr. Archibald M'Donald, to send after us as many of the settlers as he should find most fit to go, to relieve the consumption of provisions in store: but these people, chiefly advised with Mr. Cameron, with whom they had now a constant intercourse; he of course advised them against going, to distress us the more, and consequently but few of them went.

11. I sent round from Turtle River to certain free Canadians indebted to the colony, to make payment of their debts. Mr. Cameron was before-hand with me, having sent couriers among them to get all they had, and circulate malicious reports that I intended to take their provisions by force, seize on all their horses, &c. &c.; even some of our own men helped to spread such reports. The more steady part of the free Canadians, gave no credit to such reports; but many did; and a number of them formed a camp along with 10 or 12 of the North-West company's servants, the whole headed by one of Mr. Cameron's interpreters, Peter Pangman Bostonois.

12. In the mean time, to procure a stock of meat, I employed from 20 to 30 Indians to kill cattle for us, and their women to dry the meat. The free Canadians and their half-breed children, were always very kind and attentive to our people when they met each other in the plains; they appeared to have changed their line of conduct this winter, particularly those of them who were attached to the North-West

West company, who now always showed a disposition to quarrel with our people, who since the beginning of this winter had many wrangles together. John O'Rourke and James Pinkman, were assaulted in the camp. Beaulino took a dog from O'Rourke, for which they fought; when Beaulino called for his knife to stab him, and one Mistouche pointed a gun at O'Rourke's head to shoot him. Old Deschamps drew his knife on James Pinkman, and called to the others in camp to join in the attack; my people made complaints to me of these matters. The last affray I was inclined to investigate, and wrote for those concerned, to come in to see me, wishing to get a reconciliation made between them and our people; it was necessary that our men should obtain some redress. I sent Mr. M'Leod with a letter to the camp, as a person that could speak to the free Canadians, and went myself with a party of our men to Rat Point, where our Indian hunters were encamped, about two leagues from the camp of the freemen. From the unsettled state of the people in the plains, and also the Sioux being in the vicinity, I brought up arms from Fort Daer to Turtle River, for my people; and when going out to Rat Point, each man was furnished with a musket, and six rounds of ammunition. Donald M'Kinnon and Donald M'Donald, refused to take arms, went to the camp of the freemen, and made a great deal of mischief by their reports. The Indians were well pleased to see 10 or 12 of my people arrive at that point well armed, to join them, as they said, against the Sioux, who had lately killed nine or ten Saultaux near the place. They were preparing a *war house*, for their defence, and requested our men to assist in making it.

13. Instead of paying attention to Mr. M'Leod's mission, he was made a prisoner in the camp, and some others of our men who happened to go that way, were kept; they had five or six of them. A messenger came for me to go in person to the camp, as they said they would not treat with any other. I agreed to go, but owing to a private intimation from Mr. M'Leod, did not go. I requested of them to send two or three to meet me two miles from the camp; but after I went there, none of them came. I learned afterwards from Mr. M'Leod, that it was their intention to make a prisoner of me, had I gone; that they debated about killing him and me, and afterwards to surprise Fort Daer and take possession of it, march from thence to the settlement, destroy all those who should oppose them, possess themselves of the colonial stores, and put an end at once to the colony; they were then to establish a free colony themselves, by assembling all the half-breeds together, and nominate one to be their commander; that Mr. Duncan Cameron offered to be their chief, but they preferred Bostonois, as being one of themselves. My not going to their camp, owing to the intimation I received, prevented, perhaps, the project against the colony from being attempted at that time. Mr. M'Leod was liberated 14th February, after being their prisoner six days; and next day we returned to Turtle River; I staid there some days afterwards, and could only get two or three of the camp men to come near me.

14. Having procured a stock of dried meat from the Indians, I returned early in March to Fort Daer; Mr. Archibald M'Donald had now prevailed on a parcel of the new settlers to come up for provisions, which had they done a month sooner, abundance might have been got. I lost the greater part of a full stage of meat, for want of hands to take it away, being obliged to keep my people near me while at Rat Point. The hunters had now ceased to hunt; the Sioux were reported near, and the cattle were scarce; no more meat could be procured, the season being so far advanced.

15. Peter Pangman Bostonois, after going to the Forks from the assembled camps up to Pembina, I had him arrested on the complaint of Mr. M'Leod. After this, Mr. J. Warren was going on with three men to Turtle River for provisions, were met about the 18th March, within three hours walk of Turtle River, by Mr. Cuthbert Grant, a clerk in the service of the North-West company, and twenty-seven armed men; they presented their pieces at him, made him and his men prisoners, and brought them to Pembina. The party had increased on the way to thirty-four men, as Mr. Grant pressed into the service every man he met; the party was composed of North-West Company's servants, free Canadians and half breeds. Their object, which I afterwards learned, was to rescue Bostonois and take me. To get Mr. Warren and the other men from them, I liberated Bostonois, taking bail for him. Mr. Warren and the men had been prisoners for four or five days. Grant's party came to see me in the evening, 22d March; we talked over the disagreeable affairs that occurred in their camp: I promised them that the past should be forgot, that



none

none of them should be molested any more on account of the past, and that we should be at peace together. After sitting some time in the room talking over affairs, they parted from me apparently well pleased: before they came over they repeated among themselves, "faisons la paix—faisons la paix." I have no reason to suppose that they meant to give us any further disturbance.

16. About this time I learned that six of the English settlers that came out last of all, had deserted from Turtle River. Mr. Kennedy, the North-West company's trader there, had by orders from Mr. Cameron, furnished them with provisions and an Indian guide to Leech Lake.

17. I received repeated intelligence from Mr. Archibald M'Donald, of the settlers being in a very turbulent state below, and left fort Daer early in April to go to the Forks. On the morning of the 6th I met two of our men, John M'Lean and Martin Jordan, who were sent to acquaint me with the state of affairs at the settlement, that all the settlers had gone to the North-West fort with their families and luggage, and that on Monday last, 3d instant, while parties of them kept the gentlemen prisoners in their rooms, others of them entered the store, where our artillery pieces lay dismounted, took all away by orders of Mr. Cameron, who was near himself with a party to receive them, and carried them to the North-West fort. That two days afterwards, 5th instant, about forty or fifty armed men had gone in the night, by orders from Mr. Cameron, broke the doors of our main house, entered with swords and pistols, and rescued one of our servants, Donald M'Kinnon, who was confined for being one of those who carried away the artillery. Mr. Cuthbert Grant, William Shaw, George Campbell, late settler, and Bostonois, were at the head of this party.

18. M'Lean and Jordan further informed us, that Mr. Cameron for some time back had parties of armed men placed at the different roads, watching day and night to take me, and having despaired of my going down, intended to have gone himself to surprize me at Fort Daer; that for some time back all persons belonging to us, going up or down, had been stopped and detained at the North-West fort, so that no intelligence could reach me of what was going forward; but that two of my men had found means to pass by the plains, and were on their way to Fort Daer, to acquaint me, that Cameron allowed them (M'Lean and Jordan) to pass last night, having been led to believe that they had made up their minds to go off along with the other settlers, and wished to prevail on some of their friends at Fort Daer and Turtle River to join them. That Mr. Cameron having learned the departure of the two men who had gone by the plains, had put off his intended attack on me at Fort Daer, knowing that I should be prepared; they advised us to return, as they thought we could not pass the North-West fort with safety.

19. The intelligence of these men was further confirmed to us in the evening, by the arrival of Mr. White and another man, whom our sentry observed passing up the River; they were also on their route to Fort Daer. Our party was now ten or twelve strong, and we passed the North-West fort at day-light on the morning of the 7th April.

20. Mr. M'Lean and family had removed from his house to one of our out-houses for protection, as violence had been offered to his person and that of Mrs. M'Lean, and more was threatened, so that they did not think themselves safe at their own house. There were only two or three families left of our settlers, who had not gone to the North-West: the families who deserted had chiefly gone to Winipic River. Almost all the men remained at the fort, and it was given out that they had some further mischief in view.

21. A day or two after my arrival, we apprehended a North-West clerk, Mr. William Shaw, for being one of the party that broke the doors of the government house, on the night of the 5th April; a party of the settlers was along with him when taken, who attempted to rescue him, which produced an affray between them and our people in the night, but the settlers were beat off.

22. The North-West party, with the accession of the settlers, being now numerous, and ours but few, we were continually threatened to be attacked; they frequently shewed themselves in a body under arms, with bayonets fixed; we had often to turn out in the night, by our sentry giving the alarm on seeing parties approach.

23. The arrival of Mr. Pritchard, 16th April, from Canada, by Hudson's Bay, assisted to keep up the spirits of our people for some time; but their general defection,

defection, from the great encouragement held out to them in Canada could not be overcome.

24. We had almost daily communication with Mr. Cameron by writing. A Mr. Severight came to offer himself as bail for Mr. Shaw's appearance, when called for, to which I was inclined to accede, having no regular place of confinement. Severight came a second time on this errand, and after waiting some time, sent me word that he wished to see me; and while addressing him, a fellow touched me on the shoulder, and showed a warrant against me from the North-West company's agent, M'Leod, for a breach of the peace, to appear before him at Fort William. Conceiving that a governor could not be legally taken from his government in such a manner, I would not submit, and confined the fellow; but after an hour or two released him. Mr. Shaw was admitted to bail.

25. Early in May, Mr. Michael M'Donnell, coming with the people from Fort Daer, was met on the way by a party of the North-West, who made him a prisoner, and brought him to the North-West fort for a breach of the peace. I offered bail for him, but none would be taken. He was permitted to come down on his parole to see us, when he entered into a recognizance before me, as did also Mr. Warren, who was included in the same warrant, copies of which I sent to Mr. Cameron, but he would not mind them; he said that Mr. M'Donnell could not be liberated; the plan was to take away every one from the settlement.

26. The people, from their different outposts, were now coming into the North-West; also the free Canadians and half-breeds; none of these were permitted to come near us, on any account whatever. I granted a search warrant for some of the property taken from us, which we knew to be in the North-West fort, but Mr. Cameron would not permit the execution of it, though he acknowledged the property to be there; nor would he allow any delinquent to be taken from his fort.

27. Many of our servants and others were now deserting to the North-West fort; reports were continually circulated among them, that the Indians would destroy them, and that the Crees were certainly coming from Qui Appelle for that purpose. Some of the women of the settlers were generally sent to circulate these reports among our people, which induced many to desert for safety.

28. Mr. Alexander M'Donnell came from Qui Appelle shortly afterwards, and brought with him a party of Crees. This gentleman, previous to leaving Qui Appelle, caused three of our men to desert from Mr. M'Kay on the 15th April, and join himself.

29. The Crees were kept within the North-West fort, and prevented from coming near us; but the Saultaux chiefs, assembled for our protection, informed us, that they would not do any mischief; that they had been promised rewards for coming down. This they afterwards confirmed themselves, and said, that they did not get what was promised them. They came after some time in a body to see me, and spoke very sensibly. After a fortnight's stay, during which time they were scarcely allowed to go outside of the North-West fort, they returned home. While they remained, ten or twelve of our horses were shot dead with arrows, but we did not suppose it to be done by the Crees.

30. The North-West were now getting to be numerous; people flocked to them from all parts; a party arrived even from the Saskatchewan. They now gave out that I must be taken, dead or alive, and formed a camp three miles below us, at the Frog Plain, of which Mr. Alexander M'Donnell, as Cameron's lieutenant, had the command. This party drove away the whole of our cattle, and killed the bull for fresh provisions. Mr. Cameron informed the traders and us by letter, that no craft should be permitted to pass the camp, without Lieutenant M'Donnell's permission. This letter he signed, "Captain commanding Red River."

31. Some of our people who happened to go near this camp were fired upon; more than twenty shots were fired at Duncan M'Naughton, and several at Mr. M'Lean, as they would not stop to be made prisoners by the parties pursuing. They burned some of the houses of the settlers, and pulled down others, to form a rampart, on which they mounted some pieces of the artillery taken from us. Parties were constantly patrolling between the camp and the fort, night and day, singing Indian war songs, and kept us constantly in a state of alarm. They made prisoners of the few settlers that remained, and kept them at the camp, to prevent their cultivation of the ground. Continual desertion had taken place from among our people

to the North-West company, for some time back; two and three went off of a night, taking ammunition and sometimes arms with them. The times of the Irish contracted servants expired 1st June; they demanded settlement of their accounts, and promised to remain with us, at least to ship time, if they got an advance of wages, and bills for the balance then due. This was acceded to, and even some fines formerly laid on some persons for misbehaviour were remitted. After all, the greater part of them left us on the 5th June; some of these were of the importation of last year, and had been engaged at £.30 per annum.

32. The evening of the 10th June, after sunset, a party came at the back of our buildings, with a view, as we conceived, to attack us in the night, as they covered themselves in a ravine. This idea was strengthened by threats, frequently made by Mr. Cameron, that he would batter down our houses with our own artillery; and we were told the North-West blacksmith had forged shot, said to be for this purpose. Mr. M'Lean took a man with him, and went to reconnoitre the party; I sent other two after them, and had the men formed near the house. Some shots were exchanged in the dark, between our reconnoitring party and the enemy. The enemy's fire seemed directed against the place on which they saw our men drawn out, but their balls took no effect; we could not return the fire till our own people came in, when a few discharges from the wall pieces on the house loft made them retreat.

33. Next morning, 11th June, about 7 A. M., Mr. White, our surgeon, walking out near the house, was fired at from a clump of wood, South from the buildings. Nearly at the same time a ball passed between Mr. Bourke and Flynn, fired by Contanaha, by order. Immediately after, a general firing commenced from the same wood against the buildings. Our people fired in return upon the wood, although they could not see the enemy. After about three-quarters of an hour, the enemy ceased firing, and retired. We had Mr. M'Lean and Mr. Warren severely wounded by the bursting of a wall-piece. I fear Mr. Warren's wound to be mortal, though he was alive the last accounts we heard. We had also two other men slightly wounded by the enemy's fire. Our fire did no execution, though carried on with spirit. It is said there were about 40 men of the enemy on this attack, composed of North-West company's servants, some freemen and some half-breeds and some settlers; Mr. Seraphim Lamar, Cuthbert Grant, Shaw, Bostonois, George Campbell Peltier, and Assiniboine, were among the number.

34. Our people seemed to despond after this attack; they thought that I should surrender myself to stop the effusion of blood. I knew it was not altogether to get me into their possession the North-West aimed at, but the destruction of the colony. To give our people an opportunity of judging more clearly, I resolved to conceal myself some days; and accordingly disappeared in the night, with one attendant.

35. Upon learning of my departure, Mr. Cameron, by letter, ordered all the colony and company's people to depart immediately out of the River; which he signed Captain commanding officer in Red River. This order united in some degree the few men we had remaining, and they resolved to defend themselves to the last. I heard of this disposition in my concealment, and came back 14th June, after an absence of three days.

36. In the night of the 15th June, the enemy came in force, surprised a number of the people at the farm huts, and made many prisoners. Mr. Archibald M'Donald happened to be there, broke his way through them, was fired upon, but escaped unhurt. They established themselves there, having next morning taken down the fence that secured the grain, with which they made a rampart round the position, and mounted on it some pieces of our brass artillery; their horses they set to graze on the wheat fields and other crops. The inclosures of the settlers had been thrown down before this, their crops spoiled, and themselves made prisoners. All our horses, without exception, were taken away, and the enemy seemed determined to destroy every thing.

37. Mr. M'Kenzie, the agent, arrived the morning of the 16th June. I wrote to him, stating the unprovoked violence exercised upon us. A deputation from our gentlemen waited upon him at the North-West fort, to endeavour to procure a peace on some fair terms; but Mr. M'Kenzie was not inclined to interfere. They were informed by him and Mr. Cameron, that if I surrendered myself, hostilities should cease instantly. The gentlemen wrote me a public letter, recommending the surrender of myself for the safety of the colony. They entered into verbal conditions of a peace between the North-West and the settlement; which they were told would be

be d .e regularly in a day or two, but that my surrender must be unconditional; no terms would be made with me. I met Mr. M'Kenzie in the afternoon; he confirmed the conditions made with my gentler , of which I made a memorandum in writing. I offered to deliver myself at Mon. at any fixed time; but this he said was inadmissible; for the rest he would submit them to Cameron, and would acquaint me next morning at three o'clock, when we agreed to meet again. I sent James Sutherland and Mr. White to the North-West fort, with the memorandum of the conditions before the hour that I was to meet Mr. M'Kenzie, to get the conditions unequivocally understood. They returned satisfied; I went afterwards to meet Mr. M'Kenzie, and walked with him to the fort.

38. It was stipulated for by our gentlemen, and faithfully promised to them and me, by Mr. Cameron and Mr. M'Kenzie, that I should be permitted to return home immediately for some days, to arrange my affairs, on the gentlemen becoming bail for my return; but this would not afterwards be complied with; they said that the half-breeds would not permit it.

39. Some of the North-West exulted, when they heard that I was in their possession; "We have got the damned robber at last!" The camp at our farm-huts was broke up in the course of the day. I was shown into a room in the main house; at the outer door was placed two of our brass three-pounders mounted on carriages, one on each side of the door. None of the horses taken from the settlement could be got back; and two days after my surrender, the North-West gave notice, that all those belonging to the Hudson's Bay company and the colony, should depart out of Red River without delay.

40. I defied Mr. Cameron and all the North-West company to turn the Indians against the colony, although no art that malice could invent to work upon their feelings was left untried to make them hostile to us, which was begun with our arrival in the country. There is not a solitary instance of the least violence being offered from an Indian towards the colonists. The untutored savage remained incorruptible, while those calling themselves civilized, committed every outrage against their fellow-subjects, in violation of the laws of their country, and of any honest feeling.

41. I was taken away from Red River 22d June, and not allowed to stop at any place in the settlement. While kept at Winipic River, I learned that all the people of Red River settlement had been driven away by the North-West company. The plunder of the stores was held out as a reward to the half-breeds and others employed in these acts of violence; but of this they were disappointed. The stores were all embarked, and the people and they were protected by the Indians, who assembled for that purpose, and escorted them safe out of the river. After the departure of the people, the houses were all burned by the half-breeds of the North-West company, headed by North-West clerks, Cuthbert Grant, and William Shaw.

(Signed) *Miles M'Donnell.*

Inclosure (3) in Sir G. Drummond's, of 6 December 1815.

Sir, Montreal, 28th November, 1815.

I have had the honour of receiving your letter, dated the 16th inst. addressed to me and others, written by command of his Excellency the Adminstrator in Chief, to apprize us, that his Excellency had received from the Earl of Selkirk a detailed statement drawn up by Mr. Miles M'Donnell, his Lordship's agent at the Red River, of the transactions among his Lordship's colonists, and between them and certain servants and agents of the North-West company, from September 1814, to the final dispersion of the colony on the arrest of Mr. Miles M'Donnell in June last, and that, as it was his Excellency's intention to transmit that statement to His Majesty's government, he had directed notice thereof to be given, that the North-West company might have an opportunity of submitting to his Excellency, for transmission in like manner, such representation of the transaction in question as might be deemed proper on the occasion.

I have to offer my thanks to his Excellency for the communication, and to entreat his excuse for the delay in not answering your letter earlier, which has arisen from accidental circumstances intervening since its receipt, and very far from want of due respect to his Excellency.

In considering the subject in all its bearings, I see no good likely to arise by entering at present into a detailed counter-statement. The final dispersion of the colony, and the arrest of Mr. Miles M'Donnell, resulted from the wild and mischievous tendency of the original project, which engendered that colony, and the

unjust and arrogant pretensions and conduct of those entrusted with its execution Its origin was bottomed upon the ostensible pretext of aiding the Hudson's Bay company in their trade, but with the real intention of directly ruining that of their rivals, the North-West company, as his Lordship had previously become a partner of the other concern; and possibly under the further idea of turning the scheme of colonization to his personal advantage, if the trade of both companies should from its effects, in the event of its success, be involved in ruin. Colonization, at the distance of 2,000 miles from an Atlantic port, in the heart of Indian nations, and above 1,000 miles from any other agricultural establishment or outlet to a market, confirms the belief that something beyond what was advanced, was cautiously concealed under a plausible exterior.

It is well known that colonization, and Indians with their trade, cannot to any great extent co-exist. The fatal experience of the *Indian nations* in the neighbourhood of the United States proves this; and that unfortunatepeople now see (when too late) the ruin with which they are thereby threatened. Had they resisted, in the first instance, the occupation by any colonists of any spot beyond the Ohio, the natives would still have been independent and happy, instead of having to apprehend, as they now have, a universal spoliation of their lands, and the extermination of their persons by the unbounded rapacity and injustice of the United States, in whatsoever regards their intercourse with the aborigines of the soil. What a lesson for Indians, yet beyond American controul!

The American government is preparing to establish military posts throughout the Indian country, in situations where they had none before, in defiance of the constructive and ill-explained article of the treaty of Ghent, which stipulated to preserve to them all the possessions and rights which they enjoyed or were entitled to in 1811.

The Earl of Selkirk's project is nearly in miniature what that of the Americans is at maturity; both have an unquenchable thirst for land, and the speculations to which it gives rise, without regarding the feelings and rights of the Indians, as entitled to consideration, or worthy of preservation.

His Lordship, in accordance with this idea, entered upon the territory of the natives at the Red River without asking their permission, or offering them any consideration for the soil, and also without any sanction from government, under colour of a grant from persons who had never acquired a legal property in it, and whose obselete charter (even were it valid) never comprehended the country in question.

His agent, Mr. Miles M'Donnell, and the people who were induced to emigrate by advertisements containing studious concealments and artful misrepresentations of the state of the country, were hardly there set down, before an attempt was made to impede the natives in the hunt of the buffalo upon their native plains. This necessarily gave them alarm, and which alarm was increased by the direct violence used by that agent, or by his command (who conducted himself like a Turkish bashaw, as his proclamations and the orders under his usurped character of governor, and especially his order for the North-West people to quit the country too well evince,) in taking and pillaging by force of arms from the North-West company, at one of their long-established posts, by cutting down their wooden pickets, breaking open their stores, and then carrying away the provisions they had collected by their trade on the Red River, for the sustenance of their people on the communications to and from the interior. They at the same time took forcible possession of two boats with provisions navigating that river, and seized and disarmed the people of two North-West canoes, whilst proceeding quietly in the lawful pursuit of their ordinary occupations. These proceedings afforded proofs too evident of the intentions of his Lordship and his agent, to dictate to the Indians, to contemn their rights, to coerce them to his purposes, and finally to destroy their trade with the North-West company. The servants of that company had humanely, but unguardedly supplied his Lordship's people during the winter of 1812-13, when they first arrived, with much of their subsistence, then little thinking that they were warming into life vipers, who were so soon to sting in a vital part the trade of their employers.

Such proceedings on the part of his Lordship's agent and people, were not to be submitted to with indifference, under the prospect of evidently threatened ruin; and accordingly measures were adopted for bringing the authors of that undisguised pillage to a legal trial, in the prescribed course of justice, and for the prevention of the like enormities in future.

Mr.

Mr. Miles M'Donnell, the pretended governor, and the pretended sheriff employed in the execution of his outrageous orders and purposes, were arrested, and are to be tried before the Court of King's Bench of this district, in March; and if from the zeal of parties for the interest of their employers, any occurrences have taken place which may furnish matter of regret on either side, the whole are to be fairly ascribed to the previous illegal conduct and various premeditated violences and repeated outrages of his Lordship's agents, and which conduct and violences were aggravated by their intrigues and attempts to tamper with, and debauch the people of the North-West company.

In nothing do Lord Selkirk's incipient measures materially differ from those practised by the Americans, but in the want of a public military force to overcome the poor natives. Happily this he had not; but should ever the British government, in an unguarded hour, sanction his wild schemes for the colonization of the Indian country, and aid those schemes by a military force, from that moment the doom of the natives will be sealed, an interminable war in the interior be excited, and the British name will among them become as much detested as is the American.

Nothing would so completely justify the Americans in their encroachments upon Indian rights, as seeing British subjects, under British authority, pursuing similar measures; and a British colony, with a British fort, on the Red River, would very fairly be urged as conveying a right to the United States, under the principle of counteraction as well as of example, to place as many American colonies and forts upon the Indian territory as they saw fit.

Besides, it is further to be considered, that as the Red River, or a material part of it, will fall within the American boundary, by the line to be run by the treaty of Ghent, if Lord Selkirk was allowed to colonize there, it would in truth be forming a colony independent of British controul, to become an American one, and in furtherance of American objects at the expense of British.

I do however hope, that the dispersion of his Lordship's colony, will lead him to pause, and henceforth to apply his wealth and acknowledged talents to pursuits more congenial to the dignity of a peer of the realm; but if unhappily it be otherwise, I cannot but entertain a well grounded confidence, that His Majesty's government will interpose, to prevent its re-establishment, with the consequent and manifest injustice to the Indians, and certain injury to British trade and British interests connected therewith, which such establishment could not fail to produce.

In conclusion, it is proper to observe, that the distresses endured by his Lordship's colonists, in consequence of the delusion of his agents, if not of himself, were almost beyond description, and such as to make three-fourths avowedly, and probably all secretly, to rejoice at their liberation from a new species of bondage.

I take the liberty of referring to his Excellency for particulars, to my letter to Colonel Harvey, of 24th June last; to my letter and statement of 15th of August last, [illegible] at Kingston; to Sir Frederic Robinson; and to a letter and statement to [illegible] Goulburn, Esq. Under Secretary of State, from Messrs. M'Tavish, Fraser & Co. and Meyers. Inglis, Ellice & Co. of London, on the 18th of March last, in answer to a communication made to them on the 2d of that month, by the desire of Earl Bathurst; such communication being the same as that which gave rise to Colonel Harvey's letter to me of 14th June, and to which the above said one was a reply; copies of the two last statements accompany this.

Have the goodness to submit this letter to his Excellency the administrator in chief, for transmission, if he shall see fit, to His Majesty's government.

I have the honour to be, on behalf of myself, and others interested in the North-West trade, &c.

(Signed) *William M'Gillivray.*

STATEMENT, relative to Settlers from the Red River.

Inclosure (4) in Sir G. Drummond's, of 6 December 1815.

IN the year 1811, the Earl of Selkirk having obtained from the Hudson's Bay Company (whereof he is a great stock-holder) a grant of a large tract of land, in the interior of the continent of North America, and which grant the company assumed the right to make, without any sanction from government, or any purchase from the natives of the country; his Lordship, with that cagerness for promoting emigration and establishing colonies which he has so often manifested, immediately circulated

advertisements, inviting settlers to emigrate to this new colony, which he had projected to establish on the banks of the Red River.

These advertisements held out inducements of every description to engage settlers; fertility of soil, salubrity of climate, freedom from taxes, tythes, and poor rates, were all enumerated among the blessings of this land of promise, and the real facts of the case were carefully suppressed, namely, that the proposed colony was situated at the distance of about 2,000 miles from any Atlantic port, and above half that distance from any other settlement whatever; that the settlers would be totally precluded from communication with the civilized world, and from the possibility of finding a market for their produce, if they should succeed in raising produce for exportation. It was also carefully concealed, and contradicted by Lord Selkirk's agents, when asserted by other persons who possessed local knowledge of the country, that the proposed colony was situated in the midst of warlike tribes of Indians, whose jealousy towards the cultivators of land is well known; and who would have a good cause of quarrel against such cultivators taking possession of their lands, and destroying their hunting grounds, without their consent and authority.

In consequence of these advertisements, and the personal exertions of Lord Selkirk and his agents, several successive embarkations of emigrants to this new colony have taken place in the years 1811, 1812, 1813; some from Ireland, but chiefly from the northern coast of Scotland; these unfortunate persons, however, soon found they had been cruelly deceived in the expectations held out to them, and found themselves disappointed of all the advantages they had hoped to possess. The first embarkation took place in 1811, and they arrived at York Fort, in Hudson's Bay, too late to get into the interior that winter, which accordingly they were obliged to pass on the shores of the bay, in a state of extreme misery from the severity of the climate, and in danger of actual starvation. In the embarkation of 1812, from the ships being crowded with passengers, the jail fever broke out among them, and carried off several of them.

In short, the miseries which these poor creatures had to endure on their passage to Hudson's Bay, and their voyages in boats at most inclement seasons, from thence to Red River, are such as can scarcely be understood, except by persons who have some knowledge of the country they traversed; and their own description of their sufferings is such as to prevent, it is to be hoped, Lord Selkirk, if he could hear it, from sending any more emigrants on the same destination.

The first settlers reached the proposed colony in the fall of 1812, and in the course of the following winter they would have perished for want of food, but for the assistance which they received from the North-West company's trading posts in their vicinity. Subsequent arrivals took place in the years 1813 and 1814; and the soil of the country being really fertile, as far as it is sheltered with hills, they might have ultimately succeeded in raising grain sufficient for their subsistence; but the measures of their leaders began to involve them in quarrels with the natives of the country, especially the half breed Indians, a daring and now a numerous race, sprung from the intercourse of the Canadian voyageurs with the Indian women, and who consider themselves the possessors of the country, and lords of the soil.

Their principal leader, and Lord Selkirk's principal agent, was a Mr. Miles M^c^ Donnell, formerly of this province, who, on the 8th of January 1814, issued a proclamation, calling himself Governor of Assiniboine, and assuming powers greater than those usually delegated to governors appointed by the Crown.

He told the settlers and the Hudson's Bay company's servants, that the colony was erected into a separate jurisdiction, entirely independent of Canada; and the laws and government of which, were both to be administered by himself. This could only have been looked upon as an empty boast, but that he actually proceeded upon the unprecedented authority thus assumed, and engaged his followers in acts of violence, for which he is now a prisoner on his way to be tried in the courts of Lower Canada.

The disorder excited in the country by these acts of violence, the disgust given to the settlers, by intrinsic disadvantages of the country, as well as the violence and tyranny of their leader, and the dread of the natives, Indians and mixed breed, all contributed to break up the colony; some few of the settlers (about 14 families) have returned to Hudson's Bay, and all the remainder threw themselves upon the compassion of the North-West company, to obtain the means of conveyance to Canada.

Some

Some of them state, upon oath, that they left their homes in expectation of coming to Canada at once, and were only told of their actual destination at Stornaway, in the island of Lewis, from whence the embarkation took place; others state, also upon oath, that they were informed, that the distance from the Red River to Canada was short, and the communication easy; so that, if they did not like that country, they might leave it and join their friends in Upper Canada; and others, that they could go to Canada by way of the Red River; under these circumstances, partly from compassion towards these poor people, and partly from a dread of the consequences of their remaining in the interior, (because in the event of the Indians attacking them, it was feared that the hatchet once raised, would not discriminate betwixt a settler and trader, but that all the white men in the country, might become its victims,) the North-West company have afforded these settlers a conveyance to this province, and the means of subsistence since they left the Red River. The number brought to Fort William (the company's chief port on the shores of Lake Superior,) was about 140 souls, probably about 40 or 50 heads of families, and some single men, and the whole of them are now on their way to York, unless some may have obtained employment to their satisfaction about St. Mary's or St. Joseph's. Hopes certainly have been held out to them, of obtaining lands from the government of this country, and they are coming down in hopes of being received as settlers on the same footing as if they had come direct from Scotland; but this point rests entirely for the decision of government; the North-West company only promised these people a conveyance to Canada, and subsistence for the journey. This promise has been performed; and they are now left to the clemency and protection of government, who will no doubt extend to them a fostering hand.

Kingston, 15th August 1815. (Signed) *William M'Gillivray.*

Sir, London, 18th March 1815.

Inclosure (5) in Sir G. Drummond's, of 6 December 1815.

We have had the honour to receive your letter of the 2d instant, addressed to the North-West company, with the enclosed copies of a correspondence between Lord Selkirk and the governor and committee of the Hudson's Bay company, and also the statement of the governor and committee, relative to their grant of lands to his Lordship on the Assiniboine River in North America.

As agents in this country for the North-West company in Montreal, we lose not a moment in requesting you will assure Lord Bathurst, that the motives imputed to them by Lord Selkirk are utterly unfounded; and we are persuaded also, the members of that company, stationed in the interior of the North American continent, feel too much for the miseries already inflicted upon their unfortunate countrymen, the victims of his Lordship's visionary speculations, to add by any action of theirs to the risk which those deluded emigrants undoubtedly run from the disputes which must arise between them and the Indians, and a jealousy the different tribes have always entertained of any agricultural encroachments on the hunting grounds in the interior.

Lord Selkirk mistakes in his letter (we are persuaded unintentionally) any expressions which may have fallen from us on the first publication of his schemes. We have at all times expressed our fears of the fate which he now seems to dread may await this colony, and have not ceased to represent to him and to the Hudson's Bay company, both the impolicy and danger of attempting any settlement of this nature, so remote from legal restraint and adequate protection from the hostilities of the Indians; and we have always expressed it as our decided opinion, that it would not only be productive of ruin and danger to the settlers, but to the valuable trade carried on by both parties. Our experience of the effects of this intended settlement has not tended to remove, but on the contrary to enforce these expressions; and the present application from his Lordship but too strongly confirms the correctness of them. The conduct of the North-West company's traders, in supplying the colonists, who must otherwise have starved during the winter of 1812-1813, should have protected them from the accusations now brought against them, especially when grounded on such authority as "a letter from a gentleman who had received "information from a Canadian, relative to the intrigues which were going on with "the Indians." His Lordship gives the traders some credit for attention to their interest; and he must surely be aware, that the Indian hatchet once raised, will not discriminate between a settler and a trader; their interests are firmly connected in this respect; and we only trust they may be enabled by their united endeavours to

conciliate the natives, and to ward off the danger with which his Lordship's indiscretion has threatened them.

We do not deny, that this colony is looked upon by the Canadian traders generally, as detrimental to their interests, from the reasons we have stated, and Lord Selkirk's connexion with the Hudson's Bay company, (their rivals in this trade, already involved in ruin, and apparently from the measures they are now taking, having solely in view the destruction of the Canadian trade,) has not the effect of reconciling what he supposes their prejudices, as to his views and operations; and we are equally aware with his Lordship, of all the difficulties which arise from the conflicting jealousies of parties so far remote from the controul of justice. These jealousies existed previous to his Lordship's present undertaking; and to obviate them, as far as practicable, his Majesty's government proposed, at our suggestion, to the Legislature, the Act of the 43d of the King, under which several justices of the peace have been appointed, and we hope will be enabled to suppress, by apprehension and conviction of the offenders in the courts of Lower Canada, all acts of aggression on either side. In addition to this, we beg you will assure Lord Bathurst, that every advice and exertion in our power will be made use of to the same effect; and we will transmit copies of your communication to us on this subject to Canada, by the earliest opportunity.

It becomes, however, distinctly necessary, that a similar conduct should be adopted on the part of the Hudson's Bay company; and but little proof of that disposition is to be found in the proclamation of Mr. Miles M'Donnell, a person styling himself, by Lord Selkirk's authority, governor of Assiniboine, and who is really his Lordship's accredited agent.

A copy of this proclamation is enclosed for Lord Bathurst's information; and we can only add, that the authority assumed in it has been extended in all its parts against the North-West traders, who in consequence of strict injunction to that effect have submitted to it without resistance.

Although we have hitherto abstained from troubling his Majesty's government on this subject, still we are too happy in the opportunity which your letter and the accompanying statement from the Hudson's Bay company afford us, of laying before Lord Bathurst some information as to the origin and progress of the connexion between Lord Selkirk and that company. We take the liberty therefore of annexing to this letter a statement of facts relative to the colony; and as his Majesty's government has called upon the North-West company for refutation of the accusations made against them by Lord Selkirk, we hope, as their agents, we may be excused, if on their behalf we respectfully request to be informed, whether this authority assumed by Lord Selkirk and his governor Mr. M'Donnell, is at all recognized by his Majesty's government? and if so, whether to the extent of the powers supposed to be vested in the Hudson's Bay company, by their obsolete charter, and said to be transferred to his Lordship with the grant of territory made by him?

We now consider both the grant and authority illegal; and we shall be happy, if in the statement submitted to you for the consideration of Lord Bathurst, sufficient information shall be found to enable his Majesty's government to come to an immediate decision on this subject.

We have only to add further, that for the last century the Canadian traders have carried on a far more creditable trade, and for the last 30 years a trade of six times the extent, and consequently in the same proportion more beneficial to this country, than the Hudson's Bay company; they have explored and discovered all the countries between Lake Occinipigne and the Frozen Ocean, on one side, and the Pacific on the other. They have now establishments on the shores of both oceans, and with the return of peace they have been looking to the extension of their trade; their only obstacle seems to be this unfortunate and impracticable scheme of colonizing an uninhabitable territory, which will undoubtedly, sooner or later, throw the whole country into war and confusion, after a long period of tranquillity and peace. We beg to be understood, as imputing no improper motives in all we have stated to Lord Selkirk; our conviction is, that his Lordship as sincerely as singularly believes in the probability of ultimate success, and all we can expect from his Majesty's government, that if they should see fit to sanction and encourage his Lordship's undertaking, they will take adequate measures to protect the trade of his Majesty's subjects against the consequence apprehended from it.

We have, &c.

H. Goulburn, Esq.
&c. &c.

(Signed) *Jn° M'Tavish, Fraser* & Co.
*Inglis, Ellice* & Co.

## STATEMENT.

PREVIOUS to the year 1811, the Earl of Selkirk, by himself and his agents, bought up about one-third of the joint stock of the Hudson's Bay company, which stock amounts in all to about £. 105,000, with the view, as has afterwards been ascertained, of obtaining under the company's seal, a grant in fee simple to himself and his heirs for ever, of a tract of territory no less than 75,000 superficial miles, or about 4,500,000 acres.

Any reasons which may have induced the governor and committee, beyond those assigned in the statement laid before His Majesty's government, to consent to this grant, are best known to themselves; but the fact of the acquisition of this stock by Lord Selkirk will not be denied, or that in consequence of it, certain changes took place in the committee in favour of his relatives and friends. The plan being so far advanced, his Lordship found little difficulty in accomplishing his purpose, and it was accordingly announced to the proprietors, that the grant had been made by the governor and committee, and a general court was called to confirm it, early in the year 1811.

The parties not concerned in this transaction attending that court, were nearly unanimous in their disapprobation of the grant; but as the majority of the proprietors who could vote, consisted of Lord Selkirk and the committee, the grant was confirmed, and protest tendered against it, copy of which is annexed to this statement, and this protest was signed by proprietors of nearly one-fourth of the company's stock.

The first question which arises on this proceeding is, Whether the Hudson's Bay company have a right to grant away in fee simple, a great portion of the continent of North America? The second, Whether, even in the terms of the charter, they had any right to this particular district, which formed no part of their discoveries, and part of which is ascertained to belong to Canada, by the treaty of Utrecht? And the third, Whether, supposing they had a clear right in both respects, the reasons assigned in the protest are not sufficient to set aside the grant?

The grant, however, once obtained, the next measure was to obtain settlers for the new colony, and advertisements appeared from the agents of the Hudson's Bay company, and Lord Selkirk, who connected their operations in the public papers of Ireland and Scotland, holding out inducements of every description to such unfortunate persons as were likely to be the dupes of them. These advertisements, after alluding to the salubrity of the climate, which was not stated to be as is the fact, equal in severity to the coldest climate of Nova Scotia and Lower Canada, went on to state that the soil was peculiarly favourable to the growth of hemp; but one very material point of information was omitted, that the proposed settlement was 2,000 miles distant from any Atlantic port, or inhabited country where a market could be found for it, and that the transport of the produce of their industry was impracticable. Independence, freedom from taxes, tythes and poor rates, land at a cheap rate, and all the other blessings of this land of promise, were added as inducements to these miserable emigrants, to desert their connexions and their country.

Although the success of these advertisements was probably not equal to the expectations formed from them, an Irish priest, with about 16 followers of his countrymen, and some Scotchmen, embarked in the Hudson's Bay ships, in the spring of 1811, and a mutiny soon took place in consequence of the unusually crowded state of the vessel. They however arrived in Hudson's Bay, wintered there that year, and reached the Assiniboine river in the autumn 1812. The sufferings from climate and privations endured by those people that winter, were beyond description, and they were in a great measure indebted to the North-West trade for the means which enabled them to subsist through it. The annexed extract of a letter from a person of intelligence resident on the spot, details the situation of the colony in that year. In the spring 1812, other parties were sent from Scotland, but in consequence of the numbers exceeding those allowed to be embarked in the company's ships, by the regulation of the Act of the King, the ships were detained or threatened to be seized by the revenue officers. This accident gave rise to the Hudson's Bay company's passengers Act of that year, which was passed *sub silentio*, not for the purposes of the company, but to facilitate Lord Selkirk's operations. The proper provisions of this Act, however, requiring an examination of the vessel intended for the voyage by the Transport Board, probably rendered a scheme nugatory, which had been in contemplation for the transport of the emigrants last year, and they were again obliged to put up with such accommo-

dation as would be afforded in company's vessels. Here the jail fever unfortunately broke out, and several persons were understood to have suffered on the passage.

It is not intended in the slightest manner to impute this to any negligence on the part of Lord Selkirk, whose known humanity would have led him to take every precaution; and it is only material to point out the fatality, which has attended, and must continue to attend, this ill-judged and unfortunate undertaking.

The settlers now assembled in the country, may amount in all to 100 families; their complaints and miseries are extreme; many are anxious to desert the settlement, and where no regulations or laws can be enforced against the idle and dissolute, the result may easily be foreseen. The men will form connexions with Indian women, and unaccustomed to the manners of the women, involve themselves in quarrels and disputes, which unfortunately will involve the whole settlement; no person of either judgment or experience in that country can be found, whether belonging to the Hudson's Bay or North-West company, whose opinion differs from the general one entertained upon this subject, that no possible good or advantage can result from this colony, but that it may in its effects, be productive of infinite mischief, and ultimately the ruin of the fur trade of North America.

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No. 5.

Copy of a Dispatch from the Earl Bathurst, K. G. to Lieut. General Sir Gordon Drummond; dated 3d January 1816.

Sir, Downing-street, 3d January 1816.

HAVING received many complaints of the violent proceedings which have taken place in the most remote parts of His Majesty's North American dominions, and of the outrages committed by the agents and servants of the Hudson's Bay and North-West companies against each other, it appears highly necessary to adopt some measures for restraining a system of violence which, if persevered in, may ultimately lead not only to the destruction of the individuals concerned, but of others of His Majesty's subjects. I am therefore to desire that you will, without loss of time, inculcate upon the servants of the two companies the necessity of abstaining from a repetition of those outrages which have been latterly so frequent a cause of complaint, and convey to them the determination of His Majesty's government, to punish with the utmost severity any person who may be found to have caused or instigated proceedings so fatal to the tranquillity of the possessions in that quarter, and so disgraceful to the British name.

I have the honour to be, &c.
(Signed) *Bathurst.*

Lieutenant General
Sir Gordon Drummond, K. C. B.
&c. &c. &c.

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No. 6.

Copy of a Dispatch from the Earl Bathurst, K. G. to Lieut. General Sir Gordon Drummond, G. C. B.; dated 8th January 1816:—Twenty-one Inclosures.

Sir, Downing-street, 8th January 1816.

I HEREWITH transmit to you an extract of a letter from Mr. Berens, Governor of the Hudson's Bay company, stating that a number of musquets were forcibly seized by the agents of the North-West company, from the settlers at Red River, and carried to Canada. I have therefore to desire, if these arms are in the possession of the North-West company, that you will call upon them to deliver them up and deposit them in the King's stores for the public service; the dispersion of the settlement at Red River, as notified in your dispatch, No. 72, rendering it impossible to apply them to the purpose of arming the settlers there, as originally intended.

I have the honour to be, &c.
(Signed) *Bathurst.*

Lieutenant General
Sir Gordon Drummond, K. C. B.
&c. &c. &c.

Extract of a letter from T. Berens, Esquire, Governor of the Hudson's Bay company, to the Earl Bathurst, dated the 6th of December 1815.

Inclosure (1) in Earl Bathurst's, of 8th January 1816.

" Your Lordship will perceive by Mr. Colville's letter, and the documents accompanying it, that some of the musquets issued by the Board of Ordnance for the protection of the colony, were seized by Mr. Duncan Cameron, a partner and agent of the North-West company; and that those government arms have probably been carried down to Canada; I therefore beg leave to suggest, for your Lordship's consideration, the propriety of sending instructions to the governor of Canada to take the necessary measures for causing those arms to be restored to the principal officer at the Red River settlement."

Gentlemen, Langley Farm, 5th December 1815.

Inclosure (2.)

In consequence of Lord Selkirk having entrusted me with the management of his affairs during his absence from this country, I am under the necessity of addressing you on the subject of the outrages which were committed last Spring and Summer, at the settlement which has been formed upon the lands granted to his Lordship by the Hudson's Bay company.

His Lordship communicated to you, on the 15th of February last, the apprehensions which were at that time entertained for the safety of the colonists; and it appears that these apprehensions were but too well founded, though the persons suspected of evil intentions towards the colony having failed in their attempts to make use of the Indians as the instruments of its destruction, had recourse to other means to accomplish their object.

To render the narrative of what happened during the Spring and Summer of this year intelligible, I must refer to a transaction which took place in 1814. Mr. Miles M'Donnell, the governor of the settlement, and of the Assiniboine district of the Hudson's Bay company's territories, had just grounds for expecting a considerable number of settlers to arrive from Europe in the Summer of 1814, and he was apprehensive that a scarcity of provisions would be felt, if he did not secure a large quantity of dried meat provisions (which are procured from the Indians) during the Spring of that year. He considered it to be his duty to prevent the evils of famine from afflicting the people under his charge; and with this view, he gave notice to the traders of the Hudson's Bay company, and of the North-West company of Montreal, in the month of January 1814, that no more provisions would be allowed to be carried out of the Assiniboine district, at the opening of the navigation, than might be necessary to feed the people who had been employed there in trading furs, as the whole would be required for the support of the resident inhabitants of the country; but that the traders who might collect the provisions from the Indians would be paid a fair price for the same. The traders of the Hudson's Bay company acquiesced and delivered over their surplus provisions; but those of the North-West company refused to do so, and attempted to carry out their provisions. Upon this Mr. M'Donnell, as governor, issued a warrant, under which a seizure was made by Mr. Spencer, who had been appointed Sheriff. This led to a good deal of discussion between Mr. M'Donnell and the partners and agents of the North-West company; and upon their representing that their trade would suffer in other parts of the country, if deprived of these provisions, an agreement was entered into, that the North-West company should retain the quantity which was necessary for their trade at that time; but that they should supply Mr. M'Donnell with an equal quantity in Winter 1814-15, if it should be wanted for the maintenance of the settlers. The general body of the partners of the North-West company subsequently, however, refused to abide by this agreement, made by their own agents and partners, and laid an information before Mr. M'Leod, who is a partner in that company, and holds a commission of the peace for the Indian territory, under the 43d Geo. III, cap. 138, who granted a warrant to apprehend Mr. M'Donnell and Mr. Spencer on a criminal charge of burglary and robbery. The rights of the parties concerned are in the course of being settled by judicial proceedings and legal decision; but I am advised by counsel here, that there are no legal grounds for any criminal charge; and further, that the provisions of the Act, 43d Geo. III, do not extend to the part of the country where the transaction took place. Under this warrant some of the partners or clerks of the North-West company, with a party of their hired servants, armed, seized Mr. Spencer in September 1814, and carried him to one of their trading posts on the route to Canada, and detained him in their private custody until the month of August 1815, when they

thought fit to bring him down to Montreal, where he was immediately admitted to bail. Mr. M'Donnell was at this time at the sea coast of Hudson's Bay; and, upon his return to the settlement, he was informed of the seizure of Mr. Spencer, and that the North-West company held a similar warrant against himself; but as he had been advised, upon the opinion of the most eminent counsel of this country, that the courts of Canada had no jurisdiction within the limits of the territories of the Hudson's Bay company, he refused to surrender to the warrant.

Up to this period, the settlers had been building houses and cultivating their lands with every appearance of content and satisfaction; and so far from their having any favourable disposition towards the North-West company's people, it was with some difficulty that they were restrained from taking arms and rescuing Mr. Spencer. The gentlemen who had charge of the settlement in the absence of Mr. M'Donnell, conceived that ample legal redress would in the end be obtained, if Mr. Spencer was wrongfully apprehended, and at any rate were unwilling to involve the people in any violent proceedings. This caution of theirs, however, had the effect of damping the spirits of the settlers, and by seeming to admit that there might be a doubt on the subject, prepared their minds to receive more readily the misrepresentations of the agents of the North-West company. Hitherto, also, the people called in that country "free Canadians, and half breeds," being the old discharged servants of the North-West company who have families by Indian women and their descendants, had shown the most favourable disposition to the settlement, and several of them who had taken lots of land, began to cultivate and settle themselves. The North-West company have great influence over these people, and are in the habit of calling upon them for temporary services; they immediately hired, at high wages, all those who had shown any disposition to settle; and they spread the most false and malicious stories among them, of Mr. M'Donnell intending to oppress and injure them in various ways; and, in short, used every means in their power to alarm and irritate them against Mr. M'Donnell and the settlers who supported him. Mr. Duncan Cameron, a partner of the North-West company, and the person who had the chief management of their affairs in that part of the country, assumed a military uniform, and gave out that he had a King's commission, styling himself "captain of the voyageur corps, and commanding officer in Red River," with the view, no doubt, of increasing his influence over these ignorant people.

From all the information which has reached me, corroborated by numerous authentic documents in my possession, it appears, that Mr. Duncan Cameron adopted every scheme, both of allurement and intimidation, to work upon the minds of the settlers, for the purpose of ultimately succeeding in that object for which he seems to have been so skilfully selected. His machinations during the whole of the Winter, and the alarms which he created by circulating reports that the Indians meant to assemble in the Spring to destroy them, together with his liberal donations of liquor, he succeeded in seducing several of the servants of the settlement to desert to him before their contracts of service had expired; and by the same unjustifiable means, he persuaded many of the settlers to give him promises to abandon the settlement in the Spring. It would appear, however, that he was apprehensive that those who remained uninfluenced by his threats or his promises, would not be driven out of the settlement without resistance, as he seems to have considered it of material importance to get possession of three small guns (two and three-pounders,) which Lord Selkirk had sent out on the first formation of the settlement, and which were at that time locked up in the store, and not even mounted upon their carriages. He took the opportunity of the absence of Mr. M'Donnell, with most of the people who remained faithful to him, and, on the 3d of April, gave an authority, signed "captain of the voyageur corps," to a large party of the seduced settlers and servants, together with some of the free Canadians, to bring away those guns; accordingly one party confined the gentlemen of the settlement who were at home, while another broke open the storehouse, and carried off the guns to the North-West company's house. Cameron, during the transaction, concealing himself in the neighbourhood with a party of armed men, for the apparent purpose of supporting, if necessary, the depredation which he had planned; and, as soon as the guns were removed from the store, he came forward, and cordially congratulated the people on the success of the operation. Part of the government musquets, issued by the Board of Ordnance, for the use of the colony, in consequence of your application to Lord Bathurst of the 10th May 1813, had been delivered out to the settlers in the Summer of 1814. Of these about twenty-five stand were carried off by the settlers who joined the North-

North-West company, and the people stated that they were ordered to do so by Cameron. This person also gave an order in writing, signed "D. Cameron, V.C., desiring George Sutherland and John M'Kay to deliver up their arms in the King's name;" and their arms were forcibly taken from these men, as appears by the deposition on oath of George Sutherland. These were also government muskets.

From this period every sort of violence was committed on the servants and settlers who remained faithful to Mr. M'Donnell; whenever they were met, they were assaulted, plundered of their arms, and kept in confinement. Attacks were made on the houses of the settlement by bodies of armed men under the command of the clerks and agents of the North-West company; and during these attacks some of the people were wounded; and in defending themselves one gentleman lost the use of his left hand, and another was severely wounded in the head by the bursting of a swivel gun, which was fired in the upper story of the principal house. The latter gentleman has since died from the wound in the head; a party of Cree Indians were brought from a distance, and there seems little doubt that attempts were made to prevail on them to attack the settlement; indeed the chief of the party confessed that they were brought there for that purpose by the North-West company's people. The friendly disposition of the neighbouring tribes, however, frustrated those endeavours.

Cameron had always pretended, that his sole object was the enforcement of the warrant against Mr. M'Donnell, and as the people became quite dispirited by their repeated attacks, and being much alarmed by the threats held out by Cameron, that they would all be destroyed by the half-breed people, they expressed a strong opinion that Mr. M'Donnell should give himself up, and he was at last induced to surrender, in the hope that the remnant of the settlers would be permitted to remain on their lands. But in this expectation he was disappointed; the violences were continued without interruption; the horses belonging to the settlement were either destroyed or taken away; the cattle were driven away, and some of them killed; and the people who tried to recover them were fired at repeatedly by a party of armed men, composed of free Canadians, and the clerks and servants of the North-West company. In short, they were at last ordered by Cameron to leave the country; and they attribute their personal safety and the security of their property to the appearance of two Indian chiefs of the Saultaux tribe, with their young men armed, who came forward with offers to defend them against the Canadians, and escorted them about fifty miles down the river to Lake Winipic. Several of the buildings had been destroyed during the disturbances; and the day after the forcible removal of the settlers, a party of people headed by the clerks and servants of the North-West company, burnt to the ground all those that remained.

I inclose copies of a few documents, which I have selected out of a great number in my possession, as sufficient evidence of the facts which I have stated.

Notwithstanding these disturbances, the people contrived to sow about forty bushels of wheat and barley, and to plant about one hundred bushels of potatoes. By a letter from Mr. M'Leod, a clerk of the Hudson's Bay company, who had been allowed to remain with a few men, the crops were remarkably promising as late as the 5th of August; and according to the returns which had been obtained in former years, of from fifty to sixty for one of grain, and from forty-five to fifty for one of potatoes sown, they might be expected to produce about two hundred and fifty quarters of the former, and one hundred tons of the latter. On the 7th of August, the settlers who had been forced to remove to the north end of Lake Winipic, left that place on their return to the settlement, to the number of fifty or sixty persons, including women and children, and about ninety emigrants, who arrived in the end of August at York Fort, also proceeded to the settlement. I am apprehensive that these people may be again disturbed in their peaceable pursuits, and perhaps again driven from their houses and lands, unless they are protected by a regular military force. I believe, from all the information that has reached me, that a very small military force would be sufficient for the purpose. I apprehend more danger from the machinations of these "Voyageur Captains," than from any other description of people in the country, if left to their own natural dispositions.

Intelligence reached Canada of the destruction of the colony; but I do not think it *possible* that any account of the return of the settlers can have been received there; and in this case, the governor of Canada will probably not think it necessary to afford the protection which he was instructed to give by Lord Bathurst last Spring;

I have therefore to request, that you will have the goodness to apply to his Lordship to renew those instructions under the present circumstances of the colony.

I have the honour to be, &c.

(Signed) *A. Colvile.*

To the Governor, Deputy Governor,
and Committee of the Hudson's Bay Company.

Inclosure (3) in Earl Bathurst's, of 8th January 1816.

To the Servant of the Honourable Hudson's Bay Company, and those of the Settlement of Red River.

My Lads,

YOU have once already been fully apprised by a gentleman here, that in all our endeavours to bring the prisoner, Mr. Miles M'Donnell, to justice, the smallest intention to injure your persons, public or private property, as well as that of your employers, was never by me in contemplation. As several of you were not then present, and are probably *now deluded* by your employers, by advising you to act contrary to law, I think it necessary once more for all to advise you, as a fellow subject, to pay due respect, submission and obedience, to the laws of our blessed constitution. And I further declare, that any person who shall be found in future attempting by any means to rescue and screen the prisoner from justice, shall be immediately considered as accomplices in his crimes, and treated accordingly. That your own good sense and judgment may dictate to you, free of party spirit, a true sense of the impropriety of violating or acting in direct opposition to your country's laws, is, my lads, the sincere wish of your well wisher,

(Signed) *D. Cameron*, Captain Voyageur Corps,
Commanding Officer R. R.

Red River, Indian Territory,
7th June 1815.

Inclosure (4.)

Sir, Fork of Red River, 3d April 1815.

As your field pieces have already been employed to disturb the peace of His Majesty's loyal subjects in this quarter, and even to stop up the King's highway, I have authorized the settlers to take possession of them, to bring them over here, not with a view to make any hostile use of them, but merely to put them out of harm's way; therefore I expect that you will not be so wanting to yourselves as to attempt any useless resistance, as no one wishes you or any of your people any harm.

I am, &c.

Mr. Arch[d] M'Donald. (Signed) *D. Cameron*, Captain V. C.

Inclosure (5.)

George Sutherland, senior, late settler of Red River, saith, that on or about the 4th day of April last, he and James M'Kay, settler, received a note by John Matthison, &c. the following of which is a copy:—

"I do hereby order James M'Kay and George Sutherland to give up their muskets in the King's name.

(Signed) "*D. Cameron*, V. C."

Deponent would not obey the order. Matthison then wanted to know where his musket was; and as deponent had it concealed, he would not tell him: on or about the 15th day of April last, a party of late settlers and North-West company's servants, consisting of about thirty men, entered deponent's house, took out his musket, and gave it to George Campbell; deponent asked it back several times, but could not get it. Robert Gun threatened to tie him down on the spot, until people should relieve him: George Campbell threatened to lash him on one of the sleds, and carry him a prisoner to one of the North-West company's forts, and William Sutherland presented his gun at him.

Deponent also heard the same party threatening to take off his head, Alexander Sutherland's and John Smith's, if they should see them about Red River store. Several of the late settlers repeatedly came to deponent's house with messages from Mr. Duncan Cameron, that he would still take him with the rest to Canada, if he would go.

On or about the 11th of June last, deponent, Adam Sutherland, his brother, and Allan Smith, went up to the government-house, and when they returned home, they were

were told by John Smith, settler, that the rest of the settlers had been taken away by a party of North-West company's servants and half breeds, commanded by Mr. Lachlan M'Lean, a clerk in the service of the North-West company, to an encampment they had formed at the Frog Plain. When deponent, his brother, and William Smith arrived at their house, they found their baggage packed up, and some of the North-West company's servants and half breeds soon afterwards arrived, and forced them also to go to the encampment of the Frog Plain. The same party took deponent's trading gun and powder horn, which were never returned. Deponent declares, that Mr. Alexander M'Donnell, a partner of the North-West company, who had the command, went into the tent where the settlers were, and told them as they were countrymen of his, he would be candid with them in telling them that they (viz. the North-West company) were the means of saving them from the half breeds, as it was quite uncertain but that they would kill them in the night, if they remained in their houses any longer.

Deponent also saith, that Mr. Alexander M'Donnell sent Mr. Lachlan M'Lean for a piece of paper to write down their names, and he began at the top with "prisoners of war," with their names annexed; after this, deponent heard Mr. Alexander M'Donnell saying to Mr. Lachlan M'Lean, in English, to tell the settlers in Gaelic, that it was of no use to conceal any longer what their intentions were, that they would take them prisoners to Canada if they did not consent to go as the others did: deponent answered, if he was obliged to go he would rather go as a prisoner, as he knew there was nothing against him. Deponent always argued in behalf of the rest, and at last he was told by Mr. Alexander M'Donnell, that he was a devil of a brat of a boy, and as he was young, what sense had he more than the rest.

He then gave deponent and the rest a few minutes to make up their minds what to do. Deponent then called Allan Smith out of the tent to consult with him, but was soon told by Mr. William Shaw, that Mr. Alexander M'Donnell wanted him. A man under the name of a constable then clapped his hand on deponent's shoulder, and Mr. M'Donnell told him, that he was a prisoner in the King's name. Deponent arguing with Mr. M'Donnell, was told by him, if he did not keep quiet, that he would get him stripped, and would make the people in the camp flog him. Deponent was then put into a separate tent from his friends.

Mr. Duncan Cameron arrived at the camp, and inquired where deponent and the settlers were. Deponent answered, and went out. He was repeatedly told by Mr. Duncan Cameron to be silent, if not that he would be put in irons; a few days after that, deponent was removed to a camp where the North-West company had erected a battery, close to the government house and Red River settlement. The camp consisted of about sixty men, North-West company's servants, half-breeds, and some of the late settlers and servants of Red River settlement, under the command of Mr. Alexander M'Donnell. Deponent then observed two of the colonial field-pieces placed on the battery. Deponent heard Mr. Lachlan M'Lean, Donald M'Kinnon and others, saying that they would have Captain M'Donnell dead or alive.

After deponent was liberated, he went twice to the North-West company's fort for his trading gun and his brother's. Mr. Alexander M'Donnell told deponent he was such a good lawyer himself, that he would not get the gun till he tried it.

Deponent called some of the people around him as witnesses, that his private property was taken from him by force.

(Signed) *George Sutherland.*

Sworn at Winipic settlement, Hudson's Bay company territories, this 11th day of August, 1815, before me (Signed) *A. M'Donald.*

Witnesses,

(Signed) *James White*, Surgeon.
*Jn° P. Bourke.*

My Lord, Red River Settlement, 5th August 1815.

I last ship-time was honoured with a letter from your Lordship, covering one of recommendation in my favour to Thomas Thomas, Esq. for which I humbly beg leave to return my sincere thanks; and I certainly feel myself bound to act with fidelity, not even to the honourable Hudson's Bay company's concern, but likewise to your Lordship's. It was my having seen a little of the intriguing manœuvres of the North-West company, that detained me from going down to York last year.

Inclosure (6) in Earl Bathurst's, of 8th January 1816.

I last February was sent by Captain M'Donnell on a mission of peace to a parcel of freemen-servants of the North-West company and half-breeds, who were assembled in arms in the plains near my wintering post at Turtle River; in place of being received peaceably, I was met in a hostile manner by 27 men armed with guns, spears, and bows and arrows. One of them presented his gun at me, but another hindered him from firing; they took possession of my sledge and dogs, and detained me among them for six days, when I was released at the request of the Indians. During my detention I was informed by one of the armed party, that they were determined to kill Captain M'Donnell and me likewise, for fear I should relate any of their proceedings, and then take possession of all your Lordship's property in Red River; this I have more fully explained in my deposition to Captain M'Donnell. All this must have originated with Duncan Cameron and others of the North-West company; and I am really sorry, that they have by delusive arts so far accomplished their design; but I hope matters will yet be better.

I think no settler who would see the beautiful appearance of the crops at the present moment, could be prevailed upon to leave the place. As no vestige of a colony would be allowed to remain, I was by Mr. James Sutherland's request, left here in the name of the Hudson's Bay company, to act for it and the colony, with only three men to look after the crops. Next day, after our people's departure from here, there came from 40 to 50 men, led by some of the North-West company's clerks, and set fire to all your Lordship's houses; they did not even give me time to remove the whole of the little goods left with me for the Indian trade; they cut the walls to the windward whilst the leeward side was in flames, threw out the goods in the plains, pillaged several articles, took all the colony's horses and those belonging to the Hudson's Bay company, left at this place, which I next day saw in the North-West company's fort. I demanded the Hudson's Bay company's horses, but could not get them. I have since interrogated some of the half Indians, who said, all that they had done against the colony was at the request of Duncan Cameron and others of the North-West company, and that all the horses were given to them by Duncan Cameron and Alexander M'Donnell, proprietors in the North-West company, with the three men left. I have got the sowings of one hundred kegs of potatoes, weeded and hoed. They are now busy making hay. Seeing that the crops would be useless without a house, I have been induced to begin to build one without orders from my superiors. I am now building a house 40 feet long, 20 wide, and 16 high. This may be disapproved of; but to defer it till the arrival of the boats, would be too late for the people who may come up in the fall.

I have the honour to be, &c.

The Right Honourable the Earl of Selkirk. (Signed) *John M'Leod.*

Inclosure (7) in Earl Bathurst's, of 8th January 1816.

Sir, Red River Settlement, 5th August 1815.

I beg leave to inclose you a letter I last fall received from the Earl of Selkirk. I intended to have gone down myself to F, but Mr. James Sutherland having requested of me to remain, and not wishing to take any advantage of the times, I complied with his request. Next day after that of the departure of our people from here, there came from 40 to 50 men, led by some of the North-West company's clerks, who set fire to all the houses. They did not even give me time to remove the whole of the little goods left with me for the Indian trade. They cut the walls to windward, whilst the lee side was in flames, destroyed and plundered the goods, and took all the company's and colony's horses, which I afterwards saw in the French fort. I went there, and demanded the company's horses, but could not get any of them. A freeman, named Botins, razed to the ground a new house I built last fall at Turtle River; I should like to know if any thing will be done to him for it.

I last February went to see a stage of meat I had in the plain, and at the same time carried with me a letter from Captain M'Donnell to a parcel of freemen and servants of the North-West company, who assembled in arms; and, in place of receiving me peaceably, met me in a hostile manner, in number 27, men armed with guns, spears, and bows and arrows. They took possession of my sledge and dogs, and detained me six days; at the end of which space I was released at the request of the Indians. During my detention, I was informed that if they got hold of captain M'Donnell they were determined to take his life, and likewise to kill me, for fear I should relate any of their proceedings. I have this day demanded of a half Indian a mare

a mare that I bought myself last winter at Turtle River. He answered, when the rest of the half-breeds would give up their horses he would give up his. Nothing will humble them here but a superior force. Duncan Cameron, when leaving this river, came to reprimand me, and said, if we dared to offer his people any violence he would revenge it on his return in the fall. When he was going, he told all the half-breeds to keep the horses they had taken from English people. All that we have saved of the crops is in a beautiful state. The three men who were left with me have got the sowing of 100 kegs of potatoes, weeded and hoed; and there are the finest crops of wheat and barley that ever I saw.

Seeing that the grain would be useless without a place to put it into, and that it would be too late to defer building till the arrival of the boats, I was induced to begin, and have got up the beams and posts of a house 40 feet long, 20 wide and 15 high. It is certainly looking too much upon myself to begin this without orders; but I was so grieved and afflicted to the heart to see the company's property thrown to the plain, and exposed to robbers, that I was resolved if I should pay it all myself to build another as good as theirs; and if they do come to burn it again, while I am here, I shall certainly have one of them.

If there were a still here this year, there would be no occasion to bring any brandy to this river. I heard from Brandon House a few days ago, they were not molested there.

A French canoe arrived here 14 days ago, with liquor and tobacco, which they immediately sent to River qui Appelle. Grant is now Martin; he was the first man who set fire to our houses. A supply of liquor is wanted very much for Brandon House, to make provisions for the boats.

I remain, &c.

Tho$^{s}$ Thomas, Esq. (Signed) *John M$^{c}$Leod.*

The Complaint and Information of Mr. Alexander M$^{c}$Lean.

Inclosure (8) in Earl Bathurst's, of 8th January 1816.

Who saith, that on Wednesday the 7th instant, about 4 o'clock P. M. as deponent was taking a ride on horseback, accompanied by Mr. John M$^{c}$Leod and Duncan M$^{c}$Naughton, when nearly opposite the Frog Plain, he observed a number of people approaching Duncan Mac Naughton, and calling stop, stop. At this time, deponent heard the party give the war-whoop, and saw the said Duncan M$^{c}$Naughton flying, and the party pursuing him, when several shots were fired at him. As the said Duncan M$^{c}$Naughton came up to deponent, several shots were fired, some of which fell close to deponent.

(Signed) *A. M$^{c}$Lean.*

Sworn at Red River Settlement, this 8th day of June 1815, before

(Signed) *Miles M$^{c}$Donnell.*

Inclosure (9.)

Mr. Alexander M$^{c}$Lean, late settler, Red River, saith, that Mr. Duncan Cameron told him, that any of the settlers who would go to Canada should have from the North-West company, 200 acres of land, 12 months provisions gratis, and a free passage. Mr. Alexander M$^{c}$Lean was also told, by the said Mr. Duncan Cameron, that he would pledge the word of the North-West company for the fulfilment. Mr. M$^{c}$Lean also deposes, that he himself has at different times, been solicited by Mr. Duncan Cameron, Mr. J. Dugald Cameron, partners of the North-West company, to leave the Red River settlement, and as an enticement for him to do so, was offered between £. 700 and £. 800 sterling; besides, they promised that he should be placed in an independent situation. Mr. Duncan Cameron also promised Mr. M$^{c}$Lean £. 200, out of his own pocket, and his servants wages to be paid for three years. Mr. J. Dugald Cameron told Mr. M$^{c}$Lean, that ways and means were taken for the destruction of the colony in less than two years.

Mr. M$^{c}$Lean further deposes, that on or about Thursday the 22d day of June last, a party of half-breeds entered his house, and what they said was interpreted to him by Sally Fidler. That he, with his wife and family, must leave his house, or else it would be set on fire about their heads. The next day, Mr. M$^{c}$Lean removed to the

government house, with the greater part of his property; and on Saturday following; he had the misfortune to see their threats accomplished, by his house being burnt to the ground. (Signed) *A. M'Lean.*

Sworn at Winnipic settlement, H. B. co's territories, this 5th day of August, before me, (Signed) *Archibald M'Donald.*

Witnesses, (Signed) *C. Robertson,*
*James White,* Surgeon.

Inclosure (10.) In Earl Bathurst's, of 8th January 1816.

The Complaint and Information of Duncan M'Naughton.

Who saith, that on Wednesday the 7th instant, about four o'clock P. M. as deponent was taking a ride on horseback, accompanied by Mr. Alexander M'Lean and John M'Leod, when nearly opposite the Frog Plain, he went before the aforesaid persons, and observing the cattle belonging to the said Alexander M'Lean, he approached towards them with the intention to drive them home, but was pursued by a great number or people crying stop, stop. As the party came near deponent, he asked if they were going to keep the cattle. The replied, oui, oui, yes, yes. Deponent then hearing them give the war-whoop, fled as quick as possible, when a great number of shots were fired at him, and some fell close to him.

(Signed) *Duncan M'Naughton.*

Sworn at Red River settlement, the 9th day of June 1815, before
(Signed) *Miles M'Donnell.*

Inclosure (11.)

The Complaint and Information of Mr. John M'Leod.

Deponent declares, that on Wednesday the 7th instant, about four o'clock P.M. as he was taking a ride on horseback, accompanied by Mr. Alexander M'Lean and Duncan M'Naughton, when nearly opposite the Frog Plain, he observed a large party of people; heard them give the war-whoop; then deponent saw the said Duncan M'Naughton flying, and the party pursuing, when a number of shots were fired at him. (Signed) *John M'Leod.*

Sworn at Red River settlement, this 8th day of June, 1815, before
(Signed) *Miles M'Donnell.*

Inclosure (12.)

The Complaint and Information of Mr. John Warren, Overseer.

Who saith, that on the 19th of March last, when on his way from Fort Dear to Turtle River, accompanied by James M'Intosh, Patt Quin, and James Barr, contracted servants of the Hudson's Bay company, he was attacked by a party of the late settlers here, North-West company's servants and Canadian freemen, headed by Mr. Cuthbert Grant, a clerk in the North-West company's service, all armed, amounting to about 27 persons, as deponent deposes. Deponent observing the party, struck off the common tract, and immediately they gave the war-whoop. As Mr. Cuthbert Grant was approaching deponent, he was told by him at his peril to come no nearer. Mr. C. Grant called deponent a damned rascal, made the party surround him, and told deponent to give himself up, which he refused to do. Then the party levelled their pieces at deponent. Deponent, after keeping the party off a considerable time, was at last, with the aforesaid J. M'Intosh, Patt Quin, and James Barr, seized, disarmed and carried a prisoner to the North-West company's fort at Pembina.

(Signed) *John Warren.*

Sworn at Red River settlement, the 8th day of June 1815, before
(Signed) *Miles M'Donnell.*

Inclosure (13.)

Alexander Sutherland, late settler of Red River settlement, saith, that on or about the 15th day of April last, a number of the late settlers and servants of the North-West company, amounting to about 30 persons, arrived at deponent's house, and demanded his musket, which he would not give. Deponent then saw Hugh Bannerman giving George Sutherland's musket to William Sutherland, which he took with him. George Sutherland repeatedly asked it back, but to no purpose. Deponent further declares, that the same party threatened, that if they saw him near the Red River

River store, that he would be the very first man that they would level at. Deponent saw Geoge Sutherland following the party up the river, and he soon returned without his musket. Deponent also declares, that on or about the 11th day of June last, Mr. Lachlan M$^{c}$Lean, clerk in the service of the North-West company, came to deponent's house with a party of about 15 men, North-West company's servants and half-breeds, and requested that deponent and the rest of the settlers should immediately leave their houses, and go down with them to the Frog Plain, as to-morrow they intended to smash Captain M$^{c}$Donnell's house down to the ground, because he was not giving himself up. Deponent was deprived of his gun by them, and he and the other settlers were taken down to the camp at the Frog Plain. Deponent afterwards returned with a cart for his baggage, escorted by one of the North-West company's servants; and as deponent was returning before the man, so as to reach the house before him, the said North-West company's servant uncovered his gun, and presented it at deponent. After deponent returned to the encampment, Mr. Alexander M$^{c}$Donnell of the North-West company, who had the command, got a piece of paper, and wrote down deponent's name and the other settlers. He then gave deponent and the rest their choice either to go as freemen to Canada, as the others were going, or to go as prisoners. Deponent said he would rather go as a prisoner than in any other way. Mr. Duncan Cameron arrived at the camp, and abused deponent and the rest of the settlers, saying that he would see the whole of them hung yet for their conduct, and then ordered Adam Sutherland into confinement. Deponent declares that he saw two of the colonial artillery placed on the battery at the Frog Plain.

his
(Marked) *Alex.* ✕ *Sutherland.*
mark.

Sworn at Winnipic settlement, Hudson's Bay company's territory, this 11th day of August 1815, before
(Signed) *Arch$^{d}$ M$^{c}$Donald.*

Witnesses, (Signed) *James White*, Surgeon.
*J. P. Bourke.*

Inclosure (14) in Earl Bathurst's, of 8th January 1816.

Having received a wound in the leg from a ball fired by some one of North-West company's servants or freemen, and being in consequence unable to proceed on the journey to York factory, I was left at the colonial establishment Red River, and on the 29th day of June last, when sitting on the bank of the river, in front of the government house of the Red River colony, I saw two canoes manned with about 20 men, passing up the Red River. When these canoes came opposite the government buildings, which had that day been set on fire by the North-W[illegible]ompany's servants, freemen, and others, and were then in flames, Mr. Duncan Cameron, who was in one of the canoes, seeing the government house, farm house, and other buildings, burning, took off his hat, waved it over his head, and gave repeated huzzas. A person in the other canoe, who I think was Mr. Alexander M$^{c}$Kenzie, an agent of the North-West company, also took off his hat and huzzaed.

Sworn before me, at Lark River district, Hudson's Bay, 24th July 1815. (Signed) *François Mongunier.*
(Signed) *Thomas Thomas.*

Inclosure (15.)

The Complaint and Information of Duncan M$^{c}$ Donald, contracted Servant.

Who saith, that on the night of the 1st of April last, as he was proceeding from Fort Daer here, in company with James M$^{c}$Intosh, when opposite the North-West company's fort, at the forks of Red River, Mr. Duncan Cameron, at the head of a party of armed men, accosted deponent and the said James M$^{c}$Intosh, and wished them to go in and get a dram; deponent refused, telling him it was late, and that he wished to get home as soon as he could. But on Mr. Duncan Cameron saying he would not keep them long, they then consented to go in; when deponent went in, the said Mr. Duncan Cameron asked him, if he knew this man, viz. Bouché; deponent replied he did; then Mr. Duncan Cameron told deponent, as he had been saying to Bouché, that Captain M$^{c}$ Donnell was right, and knew what he was doing, he would keep him till he changed his opinion, and that he would let both Captain M$^{c}$ Donnell and him know, that they were wrong. On the afternoon of Monday the 3d following, the said Mr. Duncan Cameron told deponent and the said James M$^{c}$ Intosh, that they were at liberty. (Signed) *Duncan M$^{c}$ Donnell.*

Sworn at Red River Settlement, 27th day of May 1815.
(Signed) *Miles M$^{c}$ Donnell.*

Inclosure (16) in Earl Bathurst's, of 8th January 1816.

### The Complaint and Information of John Scarth, contracted Servant.

Who saith, that on Thursday the 25th instant, about 9 o'clock A.M., when about half-way between this place and the North-West company's fort, at the forks of Red River, deponent fell in with a large party of the late settlers here and North-West company's servants, consisting of about 34 persons all armed with muskets and bayonets; Hector M$^{c}$ Donald, late settler, being one of the party, laid hold of deponent, and told him that he would carry him a prisoner to Mr. Duncan Cameron; deponent told the said Hector M$^{c}$ Donald, that he had no business with him, and to let him alone. The said Hector M$^{c}$ Donald, however, persisted in carrying deponent to the said Mr. Duncan Cameron, and being aided by the rest, forced him to the North-West company's fort.

(Signed) *John Scarth.*

Sworn at Red River Settlement, the 25th day of May 1815, before me,
(Signed) *Miles M$^{c}$ Donnell.*

Inclosure (17.)

### The Complaint and Information of James M$^{c}$Intosh, contracted Servant.

Deponent declares, that on the night of the 1st of April last, as he was proceeding from Fort Daer here, in company with Duncan M$^{c}$Donald, when opposite the North-West company's fort at the forks of Red River, he was accosted by Mr. Duncan Cameron at the head of a party of armed men, who several times asked deponent to go in to get a dram, which they refused: but on Mr. Duncan Cameron telling them that he would not keep them long, they consented. After they entered the fort, some words took place between the said Duncan M$^{c}$Donald and a Canadian, when Duncan M$^{c}$Donald told the Canadian that captain M$^{c}$Donnell was right, and knew best what he was doing. Deponent heard Mr. Duncan Cameron tell Duncan M$^{c}$Donald, that if that was his opinion he would keep him till he changed it, and he would let both him and captain M$^{c}$Donnell know that they were wrong. Deponent then said to Mr. Duncan Cameron, he hoped he would not keep him, to which Mr. Duncan Cameron replied, that he would keep both of them. Deponent then asked Mr. Duncan Cameron, for what reason he detained him: Mr. Duncan Cameron answered, that he knew best himself. On Monday the 3d, following, the said Duncan Cameron told deponent and the said Duncan M$^{c}$Donald, that they were at liberty.

(Signed) *James M$^{c}$Intosh.*

Red River Settlement. Sworn before me, this 15th day of May, 1815,
(Signed) *Miles M$^{c}$Donnell.*

Inclosure (18.)

### Information and Complaint of Mr. James White.

Who declares, that on the night of Wednesday the 5th April instant, about 8 P.M. a number of settlers and servants of the North-West company, well armed, amounting to about fifty, as deponent supposes, made their appearance before our windows and door, when George Campbell, a settler in this colony, looked through a small pane of glass in one of the windows, and called for Mr. M$^{c}$Donald, wishing him at the same time to go out to the door and speak to him, which Mr. M$^{c}$Donald refused: George Campbell then said, that we want you to give up Donald M$^{c}$Kinnan, but Mr. M$^{c}$Donald told him that he would not: George Campbell then replied, if you do not give up Donald M$^{c}$Kinnan, we shall break open your doors: Mr. M$^{c}$Donald told him to take care what he was about, and at his peril to do it; Mr. M$^{c}$Lean then went to one of the windows, and deponent heard him tell George Campbell to speak with reason, and that he would be heard, when Cuthbert Grant replied "no reason here." Deponent then heard some of them threatening to break open the windows; they instantly broke open the outer door and the mess-room door, in which Messrs. Archibald M$^{c}$Donald, Alexander M$^{c}$Lean, deponent and prisoner, were. George Campbell, Cuthbert Grant and Will Shaw, were the first who made their appearance, followed by a great number of people. In such a crowd, it was impossible for deponent to recognize every one; however, he observed Robert Gun and John Basset, settlers, and Peter Pangman, Bostonois and Bouché, servants of the North-West company; Cuthbert Grant had no sooner entered the room, than deponent heard him ask Mr. M$^{c}$Donald where was his warrant for apprehending Donald M$^{c}$Kinnan; Mr. M$^{c}$Donald refused to show the warrant, and taking up M$^{c}$Kinnan's contract, said, that that of itself was a sufficient warrant for apprehending him. Cuthbert Grant

Grant in a furious manner answered, "damn your contract:" deponent told Cuthbert Grant that Donald M'Kinnan was a contracted servant, and that he had no business with him: the said Cuthbert Grant even threatened to carry off deponent as a prisoner. George Campbell then addressed Mr. M'Donald, having a cocked pistol in his hand, and Mr. M'Donald twice told him to take care what he was about, when the said George Campbell half-cocked it. In the course of conversation which passed between Mr. M'Donald and Mr. M'Lean, and George Campbell, deponent heard the said George Campbell speak disrespectfully of Mrs. M'Lean, in a very angry tone of voice; some of them then took hold of the prisoner, and pushed him out at the door; as they were going away, deponent heard Mr. M'Lean telling Bostonois that he would call on him hereafter as a witness: George Campbell, Cuthbert Grant, and Will Shaw, as they were going away, turned round and said that they supposed we knew their names. After they reached the river, deponent heard a number of shots, by way of exultation, as he supposes, for what they had done. As some of them were apparently intoxicated, viz. George Campbell, Cuthbert Grant, and William Shaw, and from the ferocious aspect of the whole of them, deponent had every reason to think that his life was in the most imminent danger.

On Thursday the 6th instant, Mr. Bourke and deponent had some conversation with Heyman Sutherland, settler; when deponent interrogated him by what authority he broke into our house, he replied that Captain Cameron gave George Campbell a warrant to do so.

(Signed) *James White.*

Sworn before me at Red River settlement,
this 8th day of April 1815,
(Signed, *Miles M'Donnell.*

### The Complaint and Information of Pat Clabby, Herd.

Inclosure (19) in Earl Bathurst's, of 8th January 1816.

Who saith, that on Wednesday the 7th instant, about 5 o'clock P. M. having learnt that the cattle, viz. three cows and two bulls, were down at the Frog Plain; deponent went with the intention to bring them home. As deponent approached the encampment of the Canadian freemen and North-West company's servants, he was accosted by Mr. Alexander M'Donnell, North-West company, who said he supposed that deponent was come for the cattle; deponent replied, that he was. Then Mr. Alexander M'Donnell and Mr. Lachlan M'Lean spoke to some of the half-blooded Indians, who said, they did not care a damn for captain M'Donnell, or any other person. The said Mr. Alexander M'Donnell then told deponent, that if he sent down some tobacco the cows would be given up to-morrow morning. When at the encampment, deponent saw the flesh and hide of one of the bulls, which he learnt had been killed. Mr. Will Shaw, a clerk in the service of the North-West company, was seen by deponent amongst the party.

his
Sworn at Red River settlement, this *Pat* ✕ *Clabby,*
8th day of June 1815, before me, mark.
(Signed) *Miles M'Donnell.*

### The Complaint and Information of Michael Kilbride, contracted Servant.

Inclosure (20.)

Deponent declares, that on Monday the 3d April instant, about one o'clock, P. M. George Campbell entered the servant's house, and told him that they were going to take away the field-pieces. Deponent told the said George Campbell that that was a bad business; Campbell replied, that they could not help it, as it was captain Cameron's orders, that the field-pieces should be taken to his fort till the settlers left this country; and the said George Campbell at the same time showed deponent a pair of pocket pistols, which he thinks was done with the intention of frightening him. Deponent went up to inform Mr. Bourke, but could not find him. He then saw the artillery on horse sled, George Bannerman taking hold of a small howitzer, and Robert Gun standing opposite the door of one of the store-houses, with a gun across his breast, which he fired as soon as the artillery were drawn away.

Immediately, Mr. Duncan Cameron, with a gun in his hand, was seen coming out of the woods, at the head of a party of armed men. When he came to the settlers, deponent saw him shake hands with them, and heard him exclaim, "well done, my hearty fellows!" and ask them, if there were any more. Michael Kilbride also

also deposes, that he saw John Early with Mr. Cameron's party, and Donald M'Kinnan, John Murray and others, guarding the outer door of the government building, during the time the settlers were carrying away the field-pieces.

his
Sworn at Red River settlement, this 25th day of April 1815, before (Signed) *Michael ✕ Kilbride,* mark.
(Signed) *Miles M'Donnell.*

Inclosure (21) in Earl Bathurst's, of 8th January 1816.

The Complaint and Information of Patrick M'Nolty, Settler.

Deponent declares, that on Saturday the 1st of April last, about night fall, as he was on his way from Fort Daer here, when opposite the North-West company's fort at the forks of Red River, Mr. Duncan Cameron, at the head of a party of armed men, stopped deponent and told him, that as he had been in arms against him, he would now take possession of him. Deponent was then taken into the fort by the said Duncan Cameron, and on the afternoon of Monday the 3d following was set at liberty. (Signed) *Patrick M'Nolty.*

Sworn at Red River settlement,
this 15th day of May 1815, before me,
(Signed) *Miles M'Donnell.*

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No. 7.

Copy of a Dispatch from Lieut. General Sir Gordon Drummond, G. C. B. to the Earl Bathurst; dated 21st April 1816.

My Lord, Castle of St. Lewis, Quebec, 21st April 1816.

I HAVE the honour to acknowledge the receipt of your Lordship's dispatch of the 3d of January, respecting the dissentions and mutual outrages of the servants of the North-West and Hudson's Bay companies, in the remote parts of his Majesty's North American dominions; and, in compliance with your Lordship's directions, I shall not fail to impress on those companies, in such a manner as I have no doubt will have its due effect on their conduct, the necessity of abstaining from a repetition of those violences which have latterly been so frequent a cause of complaint; and I shall convey to them the determination of His Majesty's government, to punish with the utmost severity any person who may be found to have caused or instigated such proceedings in future. I have the honour to be, &c.

The Right Hon. the Earl Bathurst, &c. &c. &c. (Signed) *Gordon Drummond.*

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No. 8.

Copy of a Dispatch from Lieut. General Sir John C. Sherbrooke, G. C. B. to the Earl Bathurst, K. G.; dated Quebec, 24th August 1816.

My Lord, Castle of St. Louis, Quebec, 24th August 1816.

IMMEDIATELY on my arrival here, I received information of certain violences committed in the Indian country by the agents or partizans of the Hudson's Bay and North-West companies; and as I could not but see that it was utterly impracticable to check these outrages, at the distance of two thousand miles in the wilderness, by any exertion of the military means placed at my disposal, I could only refer the matter to the executive council, and, by their advice, I issued a proclamation, calling on both parties to respect the laws and abstain from such acts of violence in future.

It is with the deepest regret I have now to inform your Lordship, that, even before my arrival, a serious affray had already taken place in the neighbourhood of the Red River, in which several lives have been lost. Of this affair the details have only lately reached me in the letters from the Earl of Selkirk, and from one of the partners of the North-West company, of which I have the honour to inclose your Lordship copies.

I feel it to be quite impossible for me to apply any remedy to the evil, and all that remains for me is to apprize your Lordship of the event that has taken place, and to submit, whether it might not be expedient to send out commissioners in the Spring to investigate the claims, and adjust the quarrels of the contending parties; or whether it is more advisable to leave them to the decision of a court of law, before which the subject is, I understand, now pending.

I have the honour to be, &c.

The Right Hon. the Earl Bathurst, &c. &c. &c. (Signed) *J. C. Sherbrooke.*

Sir,

Sir, Sault, St. Mary, 29th July 1816. Inclosure (1) in Sir J. C. Sherbrooke's, of 24th August 1816.

I had the honour of addressing your Excellency on the 17th of June, before setting out from Montreal, and also from Kingston on the 24th. Referring to these letters, I beg leave to add, that in a visit to Drummond's Island lately, I obtained a more important and decisive confirmation of the evidence already laid before your Excellency, viz. the direct testimony of Catawabite, an Indian chief of considerable note from the Fond du Lac, who states, that early in Spring last year, a proposition was made to him by a partner of the North-West company, that he should lead out his band to make war against the Hudson's Bay company, and the settlers on Red River; that this proposition was made expressly on behalf of the North-West company, and for the avowed purpose of promoting their interests; and that as a reward for the service required, all the goods then in three different posts of the company were offered, an offer which this Indian had the firmness to reject. This Spring a reward was again offered to him by another partner of the North-West company, on condition of his intercepting a messenger, then on his way to Red River on my account, and robbing him of his letters. This robbery was afterwards effected through other hands.

The testimony of this Indian was given in the most solemn manner, in full council, before Colonel Maule and all the officers of the Indian department. I understand, that the minutes of what passed have been transmitted to your Excellency; and I flatter myself, that they will appear to you to deserve the particular attention of His Majesty's government.

It is with feelings of most anxious concern, that I have to add the information recently received here, of the success which has this season attended the unprincipled machinations of the North-West company, who have again effected the destruction of the settlement on Red River, with the massacre of about twenty of the settlers and servants of the Hudson's Bay company; among whom I lament to say was Mr. Semple, lately appointed governor in chief of the territories and establishments of the company. The circumstances attending this catastrophe, and those which immediately led to it, have as yet reached me only in a very imperfect manner, and through channels which cannot be fully depended upon. I have no doubt, that the North-West company are in possession of more accurate information; but the interest which they have to misrepresent the facts, must be too evident to require any comment. Of this I am confident, that Mr. Semple was not a man likely to act in a violent or illegal manner, so as to give any just ground for such an attack as appears to have been made.

I trust, that in the course of a few days I may obtain more complete information on this subject at Fort William, where there are now assembled many persons who must have direct knowledge of the facts, and on whom I propose, as a magistrate, to call for information.

In the delicate situation in which I stand as a party interested, I could have wished that some other magistrate should have undertaken the investigation. In this view I have applied to two very respectable gentlemen in this neighbourhood, who are qualified as magistrates for the western district of Upper Canada, and the only persons so qualified, who could be expected to go such a distance. Both of them, however, have avocations which render it impossible for them to comply with my request. I am, therefore, reduced to the alternative of acting alone, or of allowing an audacious crime to pass unpunished. In these circumstances I cannot doubt, that it is my duty to act, though I am not without apprehension, that the law may be openly resisted, by a set of people who have been accustomed to consider force as the only true criterion of right. I have the honour to be, &c.

Lieut. General Sir John C. Sherbrooke, &c. &c. &c. (Signed) *Selkirk.*

Sir, Montreal, 17th August 1816. Inclosure (2.)

I have the honour of informing your Excellency, that in the afternoon of Thursday, a letter was received from Mr. M'Gillivray, dated at Fort William, Lake Superior, 17th July, which came too late to admit of communicating its substance to your Excellency by the post of that day, and yesterday there was none from hence. It is with much concern I have to mention, that blood has been shed at the Red River, to an extent greatly to be deplored; but it is consolatory to those interested in the North-West company to find, that none of their traders or people were concerned, nor at the time within a hundred miles of the scene of contest.

Your Excellency has been informed, that one Colin Robertson with a strong party of men in the service of the Earl of Selkirk, and the Hudson's Bay company, in March last, surprised and captured one Duncan Cameron, with the people and property of the North-West company, at some of their posts on the Lower Red River; and it now appears from the above said letter, that on the opening of the navigation this Spring, the said Colin Robertson and a party carried off the said Cameron and all the furs of the North-West company collected at those posts, with which they proceeded to Hudson's Bay. The posts they previously destroyed.

Sometime afterwards, viz. in June, a party of Indians and half-breeds coming from the upper part of the Red River, with horses and provisions, in order to meet the North-West canoes expected from the interior, made a circuit round the Hudson's Bay company's post, at the lower part of the Red River, to avoid it, and halted about two miles below to encamp; when being observed by Mr. Semple, who styled himself governor general of that company's establishments, he ordered his people to arm and follow him. They accordingly marched out with a piece of cannon, and directed their route towards the Indian encampment. On observing this, the Indians sent one of their number on horseback to meet this party, and to explain that they came with no evil intentions, and without other object than to meet the North-West canoes with provisions. Notwithstanding this assurance, Mr. Semple laid hold of the messenger's horse by the bridle, took from him his fusee, and ordered the party to take him prisoner. The Indian threw himself from his horse, and succeeding in disengaging himself, ran off to join his companions; Semple ordered him to be fired at, which they repeatedly did. By this time the other Indians came up, when one of them being wounded in the neck by a bullet, they returned the fire, and rushing in upon Mr. Semple's party, put the whole, consisting of about twenty, with himself to death, except one who was wounded, and escaped in the cart which carried their ammunition.

The Indians had one killed and one wounded, and immediately went to the huts of the settlers, whom they ordered to quit the country, and never more to set foot in it at the peril of their lives. They gave permission to the settlers to carry off their private effects, but retained what belonged to the governor and Hudson's Bay company, which they divided.

The settlers glad to find themselves treated with such unexpected moderation after so fatal a conflict, moved off in boats to go to Hudson's Bay, in all about 130 souls.

Mr. Miles M'Donnell, with some canoes of Lord Selkirk's, who went from Montreal early in the season, being informed of these proceedings, returned from the entrance of Lake Onimipigne, and came back to St. Mary's, where they met his Lordship with the discharged men of the Meuron regiment, engaged by him, and the whole remained there at the time of the last accounts. What his Lordship's ulterior intentions may be, I know not.

The fate of the deceased is to be lamented, although brought on by a violence and imprudence reconcileable only to madness or infatuation; but it is satisfactory to consider, that no step in the power of your Excellency or predecessors, could have been taken this season in time to have prevented what has happened.

I think it my duty to put your Excellency in possession of this information.

I have the honour to be, &c.

His Excellency
Sir John C. Sherbrooke, &c. &c &c.

(Signed) *John Richardson.*

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No. 9.

Copy of a Dispatch from Lieut. General Sir John C. Sherbrooke, G. C. B. to the Earl Bathurst, K. G.; dated Quebec, 23d October 1816:—Four Inclosures.

My Lord. Quebec, 23d October 1816.

It is with much regret that I have to report to your Lordship, a continuance of those unhappy dissentions between the Hudson's Bay and North-West companies, which formed the subject of my dispatch to your Lordship, No. 21, of the 24th of August.

The inclosed copy of a memorial presented to me on behalf of the North-West company, will inform your Lordship of the arrest and imprisonment of the principal partners

partners of that body by the Earl of Selkirk, and of the occupation of Fort William, (their principal trading establishment) by his Lordship, and the copy of his letter to me of the 3d of September, will also show your Lordship his further views, and the course he intended to pursue.

The memorial of the North-West company, though drawn, as was to be expected, with the colouring of prejudice and interest, contained a statement of facts which demanded attention. I therefore immediately submitted it to the executive council, whom I called upon to advise me as to the best method of restoring tranquillity to the Indian country, and checking the further outrages of both parties.

The acts of the Earl of Selkirk, which the council had immediately before them, having been done under colour and by process of law, as a magistrate for the Western district of Upper Canada; and the whole magistracy of the Indian territory being formed exclusively of the partner's agents, or partizans of the contending companies, it was evident that both parties would proceed to use their authority as magistrates, in acts of retaliation and annoyance to each other. To deprive them therefore of this authority, was the first step to be taken for the restoration of harmony, and this was recommended by the council.

But evils equally great were to be expected to ensue from leaving that territory entirely without magistrates; and the proposed measure would moreover have been ineffectual, without also depriving both parties of the authority they possessed at Fort William, in the Western district of Upper Canada, by being magistrates for that district; and this act of power could only be exercised by the government of Upper Canada. The council, therefore, further recommended, that after superseding the commissions of all the justices of the peace for the Indian territory, I should appoint two persons of influence and impartiality to be sole magistrates of that territory, and to proceed thither to exercise their functions, and with further powers, as commissioners of inquiry, to mediate between the two companies. But the council also recommended that neither the supersedeas nor the new commission should take effect, unless on a clear understanding with the government of Upper Canada; that the commissions granted to Lord Selkirk and the members and servants of the Hudson's Bay and North-West companies, as magistrates for the Western district of Upper Canada, should be revoked; and that the two new magistrates to be appointed by me should be made justices of the peace for that district.

Finding it very difficult, from the extensive influence and connections of the North-West company, to select here two persons impartial enough to be intrusted with the proposed mission to the Indian territory, I referred the matter by a letter, of which I inclose your Lordship a copy, to Lieutenant Governor Gore, and his answer, of which I also add a copy; will show your Lordship, that he has found the same difficulty of choice, and that consequently I have been unable to carry through the measure which the council recommended, and which was indeed the only expedient that could be devised for giving peace to the country.

In such a deplorable state of things, however painful it is to me to witness proceedings so much to be deprecated, I can do no more; my authority is of no avail over persons at a distance of four thousand miles from me, in a wild and lawless country, at all times difficult to penetrate, and at this advanced season, almost inaccessible; and while I beg leave to call your Lordship's serious attention to the forcible, and I fear too just description, given by the Earl of Selkirk, of the state of the Red River territory; I leave your Lordship to judge, whether a banditti, such as he describes, will yield to the influence, or be intimidated by the menaces of distant authority.

I have the honour to be, &c.

(Signed) *J. C. Sherbrooke.*

The Right Honourable
The Earl Bathurst, &c. &c. &c.

Inclosure (1) in Sir J. C. Sherbrooke's, of 23d October 1816.

To his Excellency Sir John Cope Sherbrooke, G. C. B. Captain General and Governor in Chief, in and over the Provinces of Lower Canada, Upper Canada, &c. &c. &c.

The Memorial and Representation of John Richardson, of Montreal, Merchant, one of the Partners of the North-West Company, for and on behalf of the said Company.

Most respectfully sheweth,

That on the 13th day of August, William M'Gillivray, Esq. the senior agent and partner of the said company, then at the chief post or establishment thereof,

upon Lake Superior, commonly called Fort William; Kenneth M'Kenzie, the other agent and partner there present; Daniel M'Kenzie, Simon Fraser, Hugh M'Gillis, John M'Donald, John M'Laughlin, and Allan M'Donnell, partners of the said company, and Alexander M'Kenzie, late a partner thereof, were all arrested upon warrants issued by the Earl of Selkirk, as a justice of peace, charging them with high treason, felony and murder; and on the same day, by orders from the said Earl, a force, without previous notification of the purpose thereof, of above fifty men, armed with muskets and bayonets, in military uniform and array, with drums and bugles, consisting of discharged soldiers, chiefly from Meuron's regiment, and in uniform, and led on by officers of that regiment, also in uniform, (on which occasion captain Dorsonnens commanded, and lieut. Fouche assisted,) forcibly and violently took possession of the said establishment, with all the furs, merchandize and other effects therein contained, and the same continued to hold up to the 28th day of August, being the date of the last advices from thence. That the said armed force grossly maltreated the partners of the North-West company, especially John M'Donald, to whose head a pistol was presented by Captain Dorsonnens, and who was dragged away with his feet trailing on the ground, and loaded with the most violent abuse; all which was done without any resistance being made, and without any warrant being exhibited to authorize such proceedings. Thus, the said company, their agents and clerks, were by lawless violence deprived of the management of their concerns, and prevented from sending their canoes into the interior with the remaining part of their trading supplies for the season, as also prevented from sending down their furs to Montreal, and the whole held subject to the despotic will and pleasure of the Earl of Selkirk, thereby occasioning to the North-West company the most serious losses, and which, if not speedily put a stop to, will be attended with irreparable injury to their trade and concerns.

That Lord Selkirk put into close confinement, the said agents and partners so arrested; placed sentries over them, and denied access to them by clerks and others; issued warrants for rummaging, searching and inspecting books and papers, stores and buildings, carried off and put under seal what he saw fit; imprisoned at pleasure many of the servants or engagees of the company; some time after bringing them up for examination, and recommitting them to prison again, bringing them back for examination after a lapse of time, and repeating the same process, until he found that some of them by terror or otherwise were moulded to his purpose, when he put them under oath to extract criminations against their employers.

That the said officers of Meuron's regiment, who acted under Lord Selkirk's orders, were captains Dorsonnens and Mathey, lieuts. Graffenreid and Fouche, all of whom, and most of the men, had on His Majesty's uniform, whilst committing these lawless outrages, thereby disgracing the cloth they wore, and deluding many into a belief that they acted under the authority of government, to which further credit was given by their being regularly armed and equipped with cannon, arms and warlike stores, including a furnace for heating balls.

That finally, on the 18th day of August, the said Earl sent off in three canoes, under a military guard, composed of the said lieut. Fouche and an armed party, the said William M'Gillivray, Kenneth M'Kenzie, and all the other partners arrested as above-said, Daniel M'Kenzie only excepted; lieut. Fouche had orders to carry them to Sandwich, in Upper Canada, round by York, doubtless in order to subject them to every personal inconvenience in his Lordship's power to inflict, in which a striking instance was displayed, in his prevention of the servant of the said William M'Gillivray from accompanying his master, upon the frivolous pretext of wishing to examine him, although above five days had already elapsed since the arrest. In the intended prison at Sandwich, his Lordship was disappointed, by it appearing from his warrant, that the crimes alleged were committed in the Indian territory, and accordingly Mr. Justice Campbell, before whom they were carried, very properly ordered them to be committed to Montreal, where they arrived in consequence.

That one of the canoes from being overloaded and improperly manned (no fewer than 22 persons and their baggage, crew inclusive, being crammed into a canoe much under the ordinary size) was upset in Lake Superior, whereby the above said Kenneth M'Kenzie, a North-West agent, and eight other persons, were drowned, and the rest with difficulty saved.

That the mode of proceeding under Lord Selkirk's orders, resembled nothing British, and exceeded even the military despotism of the French in Holland; and there

there is the best reason for believing, that had the least resistance been offered when the establishment aforesaid was assaulted, every person within it would have been put to death, and the place pillaged; indeed no secret was made by them of such being in that event intended.

That no attention was paid by Lord Selkirk to any representations made to him of misbehaviour in his people, nor redress afforded when applied for; but when he could no otherwise evade such applications, he turned them off by saying, that he acted upon his own responsibility. In order to terrify and prevent the clerks of the North-West company from complaining, or from refusing any thing asked by his Lordship or people, the officers hinted that compliance was the safer course, and refusal might be fatal, as most of the armed men employed by his Lordship had been accustomed to murder and pillage in the Peninsula, when in the service of Buonaparte. Yet his Lordship, with a full knowledge of these facts, engaged such men to execute his purposes.

That Lord Selkirk contemning your Excellency's authority, pursued the same conduct after the receipt of your Excellency's proclamation as before, and still kept possession of the North-West company's property, thus continuing to violate the laws he was appointed and enjoined to see impartially executed. And as a further proof of contempt, he employed the serjeant and six soldiers had from Drummond's Island, as a personal guard in the attack and restraint of others, by mounting them as sentries on his prisoners, and in conveying them from and to his jail at Fort William.

His Lordship, happily for the North-West company, has at last developed his views in a manner not to be mistaken, as will appear by a document fortunately in the possession of the company, being a proposition for him to inveigle their chief clerk into an arbitration, which document decidedly self convicts him, either as considering frivolous and unfounded all the accusations in the warrants of arrest, as if trumped up to sanction his despotism to private ends, or, were the accusations really credited by him, he then stands self-convicted of another attempt to compound the alledged crimes of high treason, felony and murder, for his private emolument.

The persons so accused are abhorrent at the thoughts of treason against their lawful Sovereign; such an idea never entered their imaginations. Were it even possible for any person in the North-West company to commit such a crime, which is very doubtful, yet the absurdity of such an accusation is the more manifest when made against men who distinguished themselves by their loyalty and zeal during the late war, whilst his Lordship was snugly enjoying himself at his ease on the other side of the Atlantic, and leaving it to those and others to fight for the security of his property in Canada.

To show that the allegations herein contained are not made without good grounds, your Excellency is respectfully referred to the papers herewith marked A. B. C. D. viz.

A. The attested journal of Jasper Vandersluys, book-keeper to the North-West company.

B. The affidavits of Lieutenants Bromley and Misancy, of Meuron's regiment, who went up as private gentlemen, under a leave of absence, and were disinterested spectators of what passed.

C. An attested copy of Lord Selkirk's letter to James M'Tavish, and Jasper Vandersluys, chief clerk of the North-West company, proposing an arbitration after the persons arrested had been sent off as prisoners.

D. The attested narrative of William M'Gillivray, by which papers it will be evident to your Excellency, that the Earl of Selkirk has laid aside the dignity and impartiality of his office as a magistrate, and perverted the public authority in him vested for lawful purposes, to the indulgence of personal vengeance and furtherance of private interests; that he has contemned your Excellency's proclamation, and is disqualified from being a fit person to be continued as a guardian of the public peace and interests.

The memorialist has further to represent to your Excellency, that the property belonging to the North-West company, illegally and forcibly taken possession of and retained, amounts in value to near one hundred thousand pounds, the whole of which is at the mercy of Lord Selkirk, and the band of desperadoes in his employ, who may destroy the same by design or accident, and who, by shutting up the communication for the ensuing year (if they are allowed to remain) may place further at their mercy

a like sum in returns from the interior, besides destroying the whole of the North-West company's trade, which must involve them and the numerous manufacturers and tradesmen dependent thereon in utter ruin, if government does not interpose. The consequences of his Lordship having prevented the forwarding into Lakes Winnipic and La Pluie, and other posts, the remainder of the supplies this season, prepared and ready to be sent, may be the death of many Indians dependent upon those supplies.

The memorialist therefore humbly prays your Excellency, that the commission of the Earl of Selkirk, as a justice of the peace for the Indian territory may be superseded, as also the commissions of all others, the justices thereof, who are partners of the Hudson's Bay or North-West companies, or who are in the service of or employed by the said Earl, or by the said companies. That the said captains Dorsonnens and Mathey, and lieutenant Graffenreid (Fouche being now in Montreal,) may be ordered down, and that such other steps may be taken as in your Excellency's wisdom may deem meet, for dispossessing Lord Selkirk and those acting under him, of the North-West company's property, unlawfully taken possession of at Fort William, and restoring the same to the proprietors; and for removal from that country of those disbanded soldiers, who have been guilty of such outrages against the persons and properties of His Majesty's natural-born subjects; and as in duty bound will ever pray, &c.

Montreal, (Signed) *John Richardson.*
17th September 1816.

Inclosure (2) in Sir J. C. Sherbrooke's, of 23d October 1816.

Sir, Fort William, Lake Superior, 3d September 1816.

I had the honour of writing to your Excellency on the 23d ultimo, since which time I have proceeded in collecting evidence respecting the transactions at Red River, and the additional proofs which have been obtained, seem to me to leave no room for doubt as to the guilt of the gentlemen arrested here. If your Excellency is desirous of seeing these documents in detail, captain Steiger will procure copies to be transmitted.

Before my arrival at this place, almost all the supplies for the trading posts of the North-West company in the interior, had been sent away; but some canoes were still here destined for Red River, and for one or two places of inferior note, immediately adjacent to that district. In consequence of the information which I had obtained, I could have no hesitation as to the propriety of stopping the dispatch of these supplies; the district for which they were intended, being in fact in a state of open rebellion. It is occupied (to the exclusion of all His Majesty's peaceable subjects) by a banditti, who avow their determination to set the laws of their country at defiance, acting under the regular command of the same leaders who led them on a few months ago to every species of atrocity; and at their head a partner of the North-West company (Mr. Alexander M'Donnell,) who is proved, by the most distinct evidence, to have been the author and instigator of the massacre of the 19th of June.

It is not improbable, that my having stopped the supplies destined for these miscreants, may be represented as an act of aggression of the North-West company, or a wanton interruption to the freedom of trade. But I trust your Excellency will not be disposed to lend too easy an assent to the allegations of interested individuals; and that (on this, or any other part of my conduct) I shall not be condemned without being allowed an opportunity of explanation.

In so far as I am personally interested, I may perhaps be allowed to refer to the inclosed letters, as a proof that I desire nothing more than justice. Though the correspondence does not relate to a matter of public concern, I may be excused for producing it, when I am placed in circumstances that expose my conduct to so much misrepresentation.

I am informed, that it has been suggested to your Excellency to send an officer of high rank to this quarter, as commissioner on the part of government to quiet the existing disturbances. In this suggestion, I would beg leave to express my cordial concurrence. Though it may be doubted in what degree an officer so appointed would be invested with absolute legal authority, there can be no doubt that any person of distinction coming here on the part of government, and especially deputed by your Excellency, would be received by all parties with that deference which would give to his recommendation the force of a command. For my own part, it would be a very

very great satisfaction to me, if the load of responsibility under which I am now obliged to act, could be alleviated by a reference to the opinion of a person so authorized. It would be no less satisfactory to have the testimony of a man of intelligence, above all suspicion of partiality, as to the real state of this country; which is so extraordinary, and so unlike what it has been represented, that I could hardly expect to meet with entire credit, if I were to relate all that I know of the conduct of the North-West company and their dependents.

I have the honour to be, &c.

His Excellency Lieutenant General Sir John C. Sherbrooke, &c. &c. &c.

(Signed) *Selkirk.*

(Most secret and confidential.)

Inclosure (3) in Sir J. C. Sherbrooke's, of 23d October 1816.

Sir, Castle of St. Lewis, Quebec, 1st October 1816.

I have had the honour of receiving your Excellency's letter of the 14th instant, relating to the late occurrences at Fort William.

Concurring in the fullest manner with your Excellency in the views of this difficult subject, which you have submitted to Lord Bathurst, and being equally impressed with the dangerous consequences that may ensue to the country, unless some steps of interference are taken, I sought the advice of my council on the subject, and have now the honour of transmitting to you a copy of their report.

I do not see any method of arresting the progress of the evil, but that which the council has recommended; and I now inclose to your Excellency an instrument, revoking the commissions of all the magistrates of the Indian territory; and two other instruments for the appointment of two persons (for whose names blanks are left) to proceed to that territory, in the double capacity of commissioners of inquiry and justices of the peace. The extensive influence and connexions of the North-West company, pervading almost the whole society here, I find it extremely difficult to select two persons impartial enough to be intrusted with such an important mission; and I therefore, with the fullest confidence, leave the selection of them to your Excellency, in the hope that the same causes may not operate in your government to embarrass your Excellency's choice.

Should the same difficulty however prevail there, so that this new commission cannot be filled up, your Excellency will clearly understand, that the instrument of revocation cannot be acted upon; and moreover, that I have only been induced to transmit these instruments to your Excellency, by the hope and expectation that you will consent to the revocation (as suggested by the council here) of the commissions held by Lord Selkirk, and the members and servants of the Hudson's Bay and North-West companies, as magistrates in the western district of Upper Canada; and that your Excellency will also appoint the two persons whom you may select as commissioners of inquiry to be magistrates for the western district of Upper Canada.

I have little doubt, that your Excellency will see the necessity of these measures; but should it be otherwise, your Excellency will of course consider the instruments, now transmitted, as of no effect; and I beg that your Excellency will in this case, (as well as in the possible event of your not being able to find two persons qualified for the proposed mission to the Indian territory,) be good enough to return these documents to me.

The date of the commission of *supersedeas* being left blank, it is necessary, as your Excellency will no doubt see, that, in filling it up, care be taken that it be subsequent to the date of the commission appointing two justices of the peace to proceed to that country, in order that it may not appear that the territory has for a moment been left without the means of the administration of justice.

I have the honour to inclose herewith, such general instructions to the two new justices of the peace (if the appointment takes place) as may be necessary for their guidance; and I have also caused letters to be written to the present magistrates of the Indian territory, (to be used of course only in the event of the *supersedeas* taking effect,) apprizing them that their commissions have been revoked; to which letters I request that your Excellency will permit the dates to be affixed, according to the date that the *supersedeas* may bear; and that your Excellency will have the goodness to inform me *what* that shall be.

It only remains for me to assure your Excellency of my hearty co-operation and support, on this and every other occasion, where the peace of the country and so many of its important interests are at stake.

I have the honour to be, &c.

His Excellency Lieut. Governor Gore, &c. &c. &c. (Signed) *J. C. Sherbrooke.*

Inclosure (4) in Sir J. C. Sherbrooke's, of 23d October 1816.

Sir, Quebec, 17th October 1816.

I have the honour to acknowledge the receipt of your Excellency's secret and confidential dispatch of the 1st instant, which reached me, by express, on the 9th, at the new settlement in the vicinity of the River Rideau.

I lament extremely to be obliged to state to your Excellency, that, although I have given the subject a most serious consideration, I cannot propose any two persons of Upper Canada as fit to be intrusted with the important mission referred to in your Excellency's dispatch.

I have inclosed the commissions and papers, which your Excellency did me the honour to confide to me.

I beg to assure your Excellency, that you may command my co-operation to arrest the evil existing at Fort William, and in the Indian territory, in any manner you may be pleased to point out. I have the honour to be, &c.

To his Excellency Lieut. General Sir John C. Sherbrooke, &c. &c. &c. (Signed) *Francis Gore.*

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No. 10.

Copy of a Dispatch from Lieut. General Sir John C. Sherbrooke, G. C. B. to the Earl Bathurst, K. G.; dated Quebec, 11th November 1816:—One Inclosure.

My Lord, Quebec, 11th November 1816.

The difficulties which in my dispatch, No. 48, of the 23d October last, I represented to your Lordship that I then experienced in selecting a person qualified for the mission to the Indian territory, were shortly after that period removed, by my finding in Mr. W. B. Coltman, one of the executive council, every qualification that could be desired for such an important charge.

That gentleman having signified his readiness to undertake it, I immediately carried into effect the former recommendation of council, by superseding the commissions of all the other magistrates for the Indian territory, and of appointing Mr. Coltman in their place; and for the purpose of giving him the benefit of legal assistance, I associated with him a gentleman of the law, of great respectability and professional knowledge.

I also called on Lieut. Governor Gore to revoke the commissions held by the Earl of Selkirk, and the members and servants of the Hudson's Bay and North-West companies, as magistrates for the western districts of Upper Canada, and to appoint these gentlemen in their stead. And, in order to increase the effect of their exertions, and extend their influence, I gave them a special commission, in the nature of a commission *ad inquirendam*, by which I invested them with the fullest powers that I could delegate, and required all persons, both civil and military, to aid and submit to their authority.

To insure them also a degree of influence with the Indians, I gave them commissions in the Indian department, to Mr. Coltman, as lieut. colonel, and to his associate, Mr. Fletcher, as major, with power to draw from any of the King's posts which they might pass, such presents for the Indians as they might think useful for facilitating their progress. And to the whole I added such general instructions as I could advise for their guidance; and of these I have the honour to transmit your Lordship a copy.

Having required the advice of the executive council, as to the compensation to be given to the commissioners, it was recommended by them that Mr. Coltman should receive one hundred and fifty guineas per month, as an indemnification of the relinquishment of his business during the period of his absence, and a further allowance of seven hundred and fifty guineas, as an indemnification for the loss which he must immediately sustain by being so suddenly obliged to abandon his concerns; and that his associate should receive a monthly allowance of fifty guineas, and an immediate

further

further allowance of two hundred and fifty guineas for the preparations necessary for the undertaking, and to discharge the amount which he would be under the necessity of paying to the person who might, during his absence, execute for him the duties of the office he holds as magistrate of police.

However great the expense may appear, I felt that the object to be attained outweighed every consideration of this nature, and I accordingly determined to adopt the recommendation of council.

The commissioners left this place on the 31st October, and Montreal on the 7th instant. I regret, however, to state, that it appears to be an opinion almost universal among the best informed persons, that at this late season they will not be able to reach Fort William; and though I feel the utmost anxiety for the success of the mission, and equal unwillingness to surrender my hopes of its success while a ground of hope remains, I cannot disguise from your Lordship that I am not sanguine in my expectation of its accomplishment, and that I have only let these gentlemen go forward under a clear understanding, that they shall return so soon as the difficulties opposed to them shall be such as there will be no reasonable hope of surmounting.

If, however, by perseverance they should succeed, the most happy results may be expected from their talents and exertions.

Lord Selkirk has expressed an anxious wish for the appointment of commissioners; and in this desire the North-West company have coincided. And there is ample reason why both parties should wish for such a measure.

The whole territory of Red River, and as far as the influence of the North-West company extends, may be considered as now in arms. And the Earl of Selkirk having considered himself justified by this circumstance in stopping the usual winter supplies for that country, the most alarming consequences to both parties may be expected to ensue before the Spring;—to the North-West company, by the suspension of their trade, and perhaps by the starving of some of their posts;—and to the two companies alike, by the exasperation of the Indians, from a failure in the customary supply of their wants.

But this unhappy contest involves public considerations of a most important nature, which demand your Lordship's serious attention.

The Indians of themselves, ready for any act of violence, are led on by a race sprung from the cohabitation of the traders with the native women, partaking of the vices of savage life with the advantages of education, and marked by a ferocious energy of character, which establishes their influence over the Indian tribes. These men, though devoted to the North-West company, would, in the event of their fall, easily persuade the Indians, as the lords of the soil, to expel the white inhabitants from the whole western territory; and not the Hudson's Bay company alone, but the distant parts of the province of Upper Canada itself, would be in danger from the lawless violence of these nations, when once roused.

On the alarming consequences of alienating them from us, or of kindling an Indian war, I need not dilate. Even our relations with the American government may be affected by the present state of things; for it is an important fact, that the "half breeds," whom I have above described, already look that way for assistance to assert their independence, and express an intention of sending delegates to Washington in the Spring. And whatever may be the dispositions of the American government at this moment, they may find it their policy to foment dissentions between us and the Indians, and to establish with them that good understanding which in any future war would be as useful to them, as it has recently been useful to us.

These, my Lord, are evils of almost national moment. Should the commissioners fail in their attempt to reach Fort William, these and more, which I will not detain your Lordship by representing, will come upon us with the Spring. And looking forward to such an event, I must again urge to your Lordship the necessity either of giving me fuller powers and instructions than I now possess, or of sending out from England men of rank and talents as commissioners, to proceed to the Indian territory, to allay the existing ferment, to repress further outrages, to take away all cause for a repetition of them, by establishing the respective rights of the contending parties, and to save not only two extensive trading companies from ruin, but the country itself from impending danger.

I have the honour to be, &c.

(Signed) *J. C. Sherbrooke.*

The Earl Bathurst,
&c. &c. &c.

584.

Inclosure (1) in Sir J. C. Sherbrooke's, of 11th November 1816.

By his Excellency Sir John Coape Sherbrooke, G. C. B. Captain General and Governor in Chief in and over the Provinces of Upper Canada, Lower Canada, &c. &c. &c.

Instructions to the Hon. W. B. Coltman, and John Fletcher, Esq.

You will herewith receive commissions, appointing you to be justices of the peace within the Indian territory, under and by virtue of the Act of the Imperial Parliament 43d Geo. III, cap. 138th; and in the execution of the duties which are thus intrusted to you, you will be governed by the provisions of that Act, so far as the same shall apply to the occasions that may arise.

Being invested with the powers of magistrates within that territory, you will possess and exercise the functions of that important office within that territory to their fullest extent, by inquiring into all offences which have been or may be committed within that territory, by arresting and securing in due form of law the perpetrators thereof, and by transmitting them to this province for trial.

Receiving herewith also a commission of inquiry, investing you with extensive special powers, you will, as therein enjoined, diligently investigate the causes and circumstances, and take every legal measure to prevent the repetition of those dissentions which have arisen, and the outrages which have been committed against the King's peace in the aforesaid territories, and at Fort William, to which point you are also to direct your attention; and to this effect you are authorized to make a public notification, if you shall find the same expedient, declaring the authority with which you are invested, as the sole magistrates of the Indian territory, and as special inquiry, and calling upon all persons in all cases of difficulty and dispute to abstain from lawless violence, and to resort to your authority and abide thereby.

In reporting on those recent events which have already occurred in the Indian territory, you are to communicate the fullest information that you can obtain, as to the circumstances thereof, and the persons implicated in them; and in making such report you are to address yourselves to me, and to transmit a duplicate to the Lieut. Governor of Upper Canada, for his information, except in those cases when you shall not have sufficient time or opportunity to make such duplicate report, in which cases you are to send the originals, open, to the Lieut. Governor of Upper Canada, to be by him forwarded to me, after he shall have perused the same.

You are particularly to apply yourselves to mediate between the contending parties in the aforesaid territories; to remove, as far as possible, all causes of dissention between them; to take all legal measures to prevent the recurrence of those violences which have already so unhappily disturbed the public peace, and generally to enforce and establish, within the territory where you shall be, the influence and authority of the laws.

Given under my hand and seal at Arms, at the castle of St. Lewis, in the city of Quebec, this twenty-ninth day of October, in the fifty-seventh year of His Majesty's reign, and in the year of our Lord one thousand eight hundred and sixteen.

(Signed) *J. C. Sherbrooke.*

By his Excellency's command,

(Signed) *A. W. Cochrane*, Secretary.

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No. 11.

Copy of a Dispatch from Lieut. General Sir John C. Sherbrooke, G. C. B. to the Earl Bathurst, K. G.; dated Quebec, 21st December 1816.

I LAMENT to be under the necessity of informing your Lordship, that the commissioners of special inquiry whom I dispatched for the Indian territory have been obliged, by the early setting in of the winter, and the severity of the season, to abandon the undertaking and return.

Various untoward accidents, not to be foreseen or obviated, prevented them from reaching York before the 23d ultimo, and on crossing the portage, and arriving at the head of the Notawasaga River, by which they expected to have been able to descend in canoes to Lake Huron, they found it frozen over, and were unable, with all their exertions, to advance more than fifty yards through the ice in the course of half a day. This circumstance alone showed the hopelessness of the attempt to proceed.

proceed. But in addition to this, they learned from travellers, whom they met there, coming down from the western country, that the difficulties they would have to encounter, even in endeavouring to reach Drummond's Island, would be such as would expose them to imminent peril, without even the prospect of success, since even they, with less incumbrance, with greater experience, and at a more favourable season, had scarcely been able to effect their journey to the point where they were met.

Under these circumstances, therefore, the commissioners felt themselves obliged to retrace their steps to York.

As, however, it appeared that a smaller party, lightly equipped, and accustomed to the modes of travelling in the wilderness, might possibly find their way to Fort William, the commissioners dispatched by a gentleman of the North-West company, who had accompanied them thus far, and was willing to undertake the journey with a few Canadians, several copies of a public notification, signed by them, to be distributed among the trading posts on Lake Superior, and in the interior; by which they made known the revocation of the commissions of all the magistrates for the Indian territory, and of all those for the western district of Upper Canada, who live to the westward of the falls of St. Mary; and that they had been appointed in their stead, with the powers which I have already stated to your Lordship in my dispatch, No. 53, of the 11th ultimo.

This appeared to them, as it does to me, to be the only thing that could be done under all the circumstances of their situation; and as no further attempt can be made during the winter, I take an early opportunity of repeating to your Lordship my earnest request, that I may be furnished with full and particular instructions for my guidance in this momentous affair, before the opening of the Spring, as I shall otherwise at that period again send forward these gentlemen to the Indian territory, notwithstanding the very great expense with which the measure is likely to be attended.

The reasons that appeared to me to overbear every consideration of this nature, I have already endeavoured to impress strongly on your Lordship's mind, and the information I daily receive serves but to enhance their cogency and importance.

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Copy of a Dispatch from Lieut. General Sir J. C. Sherbrooke, G. C. B. to the Earl Bathurst, K. G.; dated Quebec, 1st January 1817. No. 12.

My Lord, Castle of Saint Lewis, Quebec, 1st January 1817.

I have to acquaint your Lordship, that I have received a dispatch from the commissioners of special inquiry for the Indian territory, of which I have not now time (as an opportunity suddenly offers) to give your Lordship the particulars; but the general information they contain, is, that the Earl of Selkirk has resisted the execution of a legal process of arrest, which had been served against him in the beginning of November, and that under colour of an authorized transfer, which he had obtained of the property of the North-West company at Fort William, from a retired partner, whom he had kept in a state of coercion and inebriety, he was taking measures for removing the whole of that property to the territories of the Hudson's Bay company.

The commissioners express an apprehension, that the North-West company may be driven to call in the aid of the Indians, to prevent the measure; and they are desirous of being allowed to proceed again, in the hope of reaching Fort William during the winter, and preventing these alarming consequences of the acts of Lord Selkirk.

Another application has been made to me for a military force, to support the execution of the laws against his Lordship, but this I have found it quite impracticable to afford; and I have only to submit to your Lordship, my earnest entreaty to be favoured with your particular instructions for my further conduct in this affair, as I am at present totally uninformed of the intentions and views of His Majesty's government, with respect to it. These instructions I should wish to receive by the way of New York, under cover to Mr. Moore, the agent for packets there, as I shall in this way get them six weeks sooner than by the way of Halifax.

It would also be highly desirable, if I could at the same time, receive a copy of the Act of Parliament of William the 3d, for continuing the charter of the Hudson's Bay company. And I also beg that I may be informed, whether the Act of the

43d Geo. III, granting to the governors of Lower Canada the power of appointing magistrates for the Indian territory, is considered to extend to the territories of the Hudson's Bay company, as there is reason to think that the Earl of Selkirk will raise a question on this point.

I have, &c.

The Earl Bathurst, &c. &c. &c.

(Signed) *J. C. Sherbrooke.*

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No. 13.

Copy of a Dispatch from Lieut. General Sir John C. Sherbrooke to the Earl Bathurst, K. G.; dated 2d January 1817:—Two Inclosures.

My Lord, Quebec, 2d January 1817.

I have the honour to inclose your Lordship copy of an affidavit made by a clerk of the North-West company, lately arrived at York from Fort William; and also copy of a protest which Mr. M'Kenzie, the person who sold the property of the North-West company to Lord Selkirk, made immediately on his arrival at Drummond's Island, against the validity of that sale.

By these documents, your Lordship will be informed of the particulars of the recent transactions of the Earl of Selkirk at Fort William, which I touched upon in a general manner, in a letter I had the honour of addressing to your Lordship yesterday.

The Act of William 3d, of which in that letter I requested your Lordship to send me a copy, being a private Act, is not inserted in the statutes at large; and I therefore trust that your Lordship will comply with my wishes for a copy of it, as in my present embarrassment, from the total want of legal assistance, I feel it my duty to seek for and use every means of forming the best judgment that I can for myself.

I have, &c.

The Earl Bathurst, &c. &c. &c.

(Signed) *J. C. Sherbrooke.*

Inclosure (1) in Sir J. C. Sherbrooke's, of 2d January 1817.

Robert M'Robb, of the city of Montreal, in the province of Lower Canada, maketh oath and saith, That he was present at Fort William, on the river Kaministiquia, at the time of the capture thereof by the forces under the command of the Earl of Selkirk, on or about the 13th day of August now last passed, and has knowledge of the general circumstances of that affair, and which took place at Fort William aforesaid, from that time to the period when the deponent left the same for Montreal, which was on or about the 3d day of September following; that the deponent recollects amongst other things, that Daniel M'Kenzie, one of the partners in the said North-West company, was during that interval imprisoned for several days by order of the said Earl of Selkirk, in a building belonging to Fort William aforesaid, in which there is no window, and was afterwards confined to a room under charge of a sentry, in which latter situation the deponent left him at the time of this deponent's quitting the fort; and that one Miles M'Donnell and others, in the employment of the said Earl of Selkirk, were, during such imprisonment of the said Daniel M'Kenzie frequently in his company, but that the deponent does not know what passed between them; and this deponent further saith, that he left Montreal on or about the 4th day of October now last past, in company with Pierre de Rocheblave, one of the partners of the said North-West company, for the purpose of proceeding to Fort William aforesaid to take possession thereof, and of the stores at that place, which were then in the possession of the said Earl of Selkirk, in case of their procuring any legal compulsory process or order from government for that purpose, which process or order would, as the deponent understood, be endeavoured to be procured by some other persons belonging to the North-West company, who were gone to York or Sandwich for that purpose, and with which if so obtained, they were afterwards to join the said De Rocheblave and the deponent at Sault S^te^ Marie on their way to Fort William; that the said De Rocheblave and the deponent, with their party, arrived at Sault S^te^ Marie aforesaid, on or about the 19th day of the said month of October, where the deponent remained with the said De Rocheblave in expectation of the said other persons who were so to join them with such process or order from York or Sandwich, until the 26th or 27th day of the said month, at which time the said deponent left Sault S^te^ Marie aforesaid in order to proceed to Fort William, leaving the said De Rocheblave still at Sault S^te^ Marie, the said other persons who were to bring such process or order not having then arrived. And this deponent further

further saith, that during such his stay at Sault S^te^ Marie, one Robinson, who was as the deponent understood, a constable or public officer of some such description, arrived at Sault S^te^ Marie from York with some process, which he was as the deponent also understood, to serve on the Earl of Selkirk at Fort William, and which was as the deponent believes, a writ of habeas corpus for the said Daniel M^c^Kenzie; and that there was also, during such the deponent's stay at Sault S^te^ Marie, a warrant issued by Daniel Mitchel, Esq. who is, as the deponent believes, one of His Majesty's justices of the peace for the western district of Upper Canada, against the said Earl of Selkirk and several other persons, either for felony or some other offence supposed to have been committed by them, in relation to their having so seized and taken possession of Fort William and the property therein, and which warrant it was also intended should be executed by the said Robinson on his arrival at Fort William. That the deponent accordingly left Sault S^te^ Marie on or about the 26th or 27th day of October, in company with the said Robinson and one John Duncan Campbell, a partner of the said North-West company (whom they were to leave at the Peak on their way up,) for the purpose of serving such habeas corpus and executing such warrant, but without any force to compel obedience thereto, having with them only the crew of the canoe in which they travelled, consisting of twelve Canadians and themselves, the three before-mentioned passengers. That after leaving the said John Campbell at the Peak aforesaid, and taking in his stead Mr. John M^c^Bean, another partner of the said North-West company, they accordingly proceeded to Fort William aforesaid, where they arrived about three o'clock in the afternoon of the 7th day of November now last past; and this deponent further saith, that on their so arriving at Fort William, he this deponent immediately upon their landing accompanied the said Mr. Robinson to the house in the said fort occupied by the said Earl of Selkirk, where said Robinson going into the room in which the said Earl then was, arrested him as the deponent believes in the King's name, under and by virtue of the said warrant; and having committed him to the custody of Mr. John Warren Dease, another clerk of the said North-West company, who was then near the said house, by commanding the said Dease to go in and take charge of the prisoner, immediately afterwards proceeded to arrest one captain Matthey and one John M^c^Nabb, who were then in other houses within the said fort, and whose names were as the deponent believes also included in the said warrant; and this deponent saith, that in the evening of the same day, whilst the deponent, together with the said Robinson and the said John Warren Dease were in a room called the council-room, belonging to the said fort, the said captain Matthey came to them and told them, that the Earl of Selkirk had sent him to order them all out of the house, but as it was a stormy night his Lordship would permit them to remain in one of the summer-houses in which there was no fire during that night, to which the deponent and the others having stated to the said captain Matthey, that they were determined not to quit the house, unless they were forcibly compelled so to do, and that they conceived that he the said captain Matthey, being himself legally a prisoner, could have no orders to give them which they ought to obey; the said captain Matthey replied, that he should then make use of the means in his power to enforce obedience to his orders, and immediately left them for the present. That about eight o'clock the same evening, the said captain Matthey again returned into the room, where the deponent and the said Robinson and Dease were, bringing in with him seven armed men, in the uniform of the late regiment De Meuron, all of them having muskets or fusees, and four of them bayonets fixed, and which armed men the said captain Matthey accordingly placed as a guard over the defendant, the said Robinson, and the said John M^c^Bean, who had also come ashore with them, and that they all three remained under guard accordingly, and as the deponent conceives, in the charge and custody, or under the superintendence of the said armed men and others in the same uniform, who were from time to time sent to relieve them, until the Saturday following, being the 9th day of the month of November, at which time the deponent left the fort to return to S^te^ Marie. That on Friday, the 8th day of the said month of November, during the deponent's stay at Fort William as aforesaid, the deponent and his party being in want of provisions, he the said deponent told the said Earl of Selkirk, that he understood that the said Earl was in possession of the keys of the North-West company's stores, and requested that he would deliver them, or direct that they should be delivered to the deponent, or give orders that the deponent or his party should be supplied with such articles out of the stores as they had occasion for; but which the said Earl refused, saying, that he supposed the deponent must be aware that the North-West company had no stores there, or some-

what to that or the like effect; that the deponent thereupon told the said Earl, that the deponent had heard of some transactions having taken place between him and the said Daniel M'Kenzie, but that he did not conceive that any sale could be valid that was made by a person who was a prisoner at the time, and who had been confined in the common gaol and kept in a continued state of intoxication; that the said Earl thereupon answered, that the deponent was totally misinformed as to the facts; to which the deponent replied, that he had himself been an eye-witness of the said Daniel M'Kenzie's confinement, and of the state in which he was always kept, until the time of the deponent's leaving the fort; whereupon the said Earl said, that it was not to the deponent that he had to answer, or somewhat to that or the like effect. That on the same day, the said Robinson asked the said Earl, in the presence of the said deponent, whether he meant to yield obedience to the warrant or not; to which the said Earl answered, that he certainly did not, as he conceived it to be illegal. That the said captain Matthey also declared, during the deponent's stay at Fort William as aforesaid, that if he had known at the time of their approach to the fort, what their errand was he would certainly have shut the gates and not have permitted them to enter, or he got into a canoe and been off, and that the deponent and his party might have waited for them. And this deponent further saith, that finding it was the determination of the said Earl of Selkirk, and the other persons who had been so arrested by the said Robinson, to persist in their refusal to yield obedience to the said warrant, and that instead of being permitted to complete the execution thereof, by bringing away the persons they had so arrested, the said Robinson and the deponent appeared to be themselves regarded as prisoners, being kept under the charge or superintendence of a military guard as before-mentioned, and being moreover short of provisions, with which the said Earl refused to supply them, the said Robinson and M'Bean; and the deponent left Fort William aforesaid, on the said ninth day of November now last past, in company together, and returned to S^te^ Marie's, where they arrived on the night of the 24th day of the said month of November. And this deponent further saith, that on his arrival at Sault S^te^ Marie aforesaid, he found there one Mr. William Smith, who informed him, that subsequent to his the said deponent's departure from Sault St. Marie aforesaid, on the 26th or 27th day of October now last past, in order to proceed to Fort William, as herein before-mentioned, he the said William Smith and some other persons, had arrived at Sault S^te^ Marie aforesaid, with some writ or process for restoring the possession of Fort William to the North-West company, and which he the said William Smith was to execute as deputy sheriff of the western district of Upper Canada; and that he the said William Smith had accordingly embarked, in company with the said Pierre de Rocheblave, on board a schooner called the Invincible, in order to proceed to Fort William aforesaid, but that the said schooner having been wrecked a day or two after their departure, on the southern coast of Lake Superior, they had returned to the Sault, from whence the said de Rocheblave had again embarked, in a small canoe, with four or five hands, on or about the 21st day of the said month, in order to go by the way of York to Montreal, and which information he verily believes to be true. And this deponent further saith, that during his the deponent's stay at Fort William as aforesaid, he was informed and verily believes, that the said Earl of Selkirk had, during the fall, removed one of the buildings which had been erected at Fort William aforesaid, or materials thereof, by water, to the Grand Portage, in order to set up the same there, and had also erected other buildings at Mille Lac, and that he was also causing a road to be cut from Fort William to Goose Lake, the whole of which measures were, as the deponent understood and verily believes, for the purpose of enabling him, the said Earl of Selkirk, to convey away the property at present at Fort William during the winter, or before the opening of the communication in the Spring, so as to get the same safely deposited before that time within those parts of the country, which he considers as belonging either to the Hudson's Bay company or to himself, under some grant or authority from them; and which the deponent is induced to believe from all the information he has received upon the subject, that the said Earl will in fact be able to accomplish, unless he be prevented in the mean time from so doing by the interposition of a sufficient force; the said Earl has, as the deponent supposes, in the whole at least 150 men, and perhaps considerably more under his orders, and having also a considerable stock of cattle of every description, and having prepared a quantity of forage for their keep at Fort William, the Grand Portage, Goose Lake, Mille Lac, and other places. And this deponent further saith, that during the period of his stay at Fort William, between the 7th and 9th days of November now last past, he saw the serjeant commanding a small party of the 37th regiment, which is at present

present on duty at Fort William aforesaid, and that the said serjeant asked, whether the deponent or his companions had any orders for him from Drummond's Island, and that from what he saw of the said serjeant's behaviour, he had no reason to doubt but that he and his party are in a state of military subordination, and would be obedient to any legitimate military orders which they might receive. And this deponent further saith, that the said John Warren Dease, whom the said deponent found at Fort William as hereinbefore-mentioned, had, in or about the beginning of the month of October now last past, been the clerk in charge of a post or trading establishment of the said North-West company at Lake La Pluie; and that John Charles Sayer, another clerk, whom the defendant also found at Fort William (and who has since accompanied the deponent on his return to Sault S^te^ Marie) was also there at the same time in the service of the North-West company; and that the said John Warren Dease and John Charles Sayer, both informed the said deponent, that the said post was, on or about the 9th day of the said month of October now last past, taken possession of by one D'Orsonnens, late a captain in the late regiment De Meuron, and at present in the employ of the said Earl of Selkirk, who took out of the same all the arms and ammunition which had been therein, and at the same time delivered to the said John Warren Dease the paper-writing hereunto annexed; and that the said D'Orsonnens had also at or about the same time arrested and taken the said John Charles Sayer into custody as a prisoner, on some charge of a supposed offence, the nature whereof this deponent was not told, and sent him as a prisoner from Lake La Pluie aforesaid to Fort William, where he was discharged out of custody by the said Earl of Selkirk, who had stated that the said Sayer had been so arrested without his orders, all which information the deponent verily believes to be true. And this deponent further saith, that during his stay at Sault S^te^ Marie, on his return from Fort William as aforesaid, the said William Smith in consequence, as he stated to the deponent, of the information which was given to him by the deponent and the said Robinson, respecting the apparent determination of the Earl of Selkirk to resist the execution of legal process, delivered to the deponent a letter or written representation addressed to his Excellency Francis Gore, Esq. Lieutenant-Governor of Upper Canada, which he read over to the deponent; and the purport of which, according to the best of the deponent's recollection and belief, was to request the aid of some military or other force for the execution of the process, with which the said William Smith is charged as Deputy Sheriff of the Western District, and which letter or representation the said deponent has delivered to H. J. Boulton, Esq., Mr. Brackenridge, to whom the same was addressed under cover, being at present absent from York, the said Messrs. Boulton and Brackenridge, being, as the deponent believes, both of them concerned as counsel for the North-West company.

(Signed) *Robert Mac Robb.*

Sworn at the City of York, in the Province of Upper Canada, this 17th day of December 1816, before us,

(Signed) *W. B. Coltman,*
*J. Fletcher.*

(A true Copy.)

(Signed) *J. Fletcher.*

Les circonstances alarmantes où se trouve dans ce moment le poste du Lac la Pluie, a forcé le Capitaine P. D'Orsonnens de s'emparer des armes et munitions du fort occupé par la compagnie du Nord Ouest, pour la sureté des sujets de Sa Majesté qui se trouvent dans l'endroit. Cette mesure indispensable pour la tranquillité du public otante à M. F. Dease, chef du poste, les moyens de traiter avec les sauvages qui pourroient faire un mauvais usage des armes et munitions qu'ils reçoivent.

En outre le Capitaine P. D'Orsonnens pouvant assurer sur sa parole d'honneur, qu'il attend à chaque instant un ordre regulier conformement à la loi pour le deguerpissement du fort occupé par la compagnie du Nord Ouest, le Capitaine P. D'Orsonnens et M. F. Dease, commis en chef de la compagnie du Nord Ouest, au lac La Pluie, ont jugé convenable pour la sureté de chaque individu interessé dans les circonstances actuelles de prendre un inventaire de tous les effets appartenans à la compagnie du Nord Ouest, dans l'endroit en y incluant les *caches de provisions* que seront annoncés jusqu'à la fin de l'armée pour que le tout soit fidelement remis au

commis de la compagnie D'Hudson qui sont present dans l'endroit. Cette compagnie rendre un compte exact selon la loi de tous les objets qui auront éte remis à leur commis par ceux de la compagnie du Nord Ouest, le Capitaine P. D'Orsonnens se rendant caution de l'execution de cette arrangement.

(Sig') *P. D'Orsonnens*, Cap^ne Comd^t le poste du Lac la Pluie.
*John W. Dease*, Commis en Chef pour Nord Ouest.

Temoins.
(Signé) *Jacques Chatelain*, Commis pour la Compagnie Hudson.
*Louis Nolin*, pour la Compagnie Hudson.

Inclosure (2) in Sir J. C. Sherbrooke's, of 2d January 1817.

I, Daniel M^cKenzie, Esq. a retired partner of the firm of the North-West company, having been detained a prisoner at Fort William, by Lord Selkirk's orders, from the 13th of August to the 11th of October 1816, during all which time I was in a state of inebriety and actual derangement of mind, did, by the persuasion of Lord Selkirk and his agents, sign certain papers and instruments of writing, purporting to be a sale of goods, packs of furs, vessel on the stocks, an indenture of agreement to leave to arbitration certain disputes and differences between his Lordship and the North-West company, and a letter to the interior, stating that the North-West company were ruined, &c. &c., all which papers were dictated by his lordship and his agents. Therefore, from the causes above, the dread of a long imprisonment, and in hopes of obtaining my liberty, I did sign the said papers, although unauthorized so to do.

Therefore I do, by these presents, now that I have my liberty, *solemnly protest* against all acts done by me as aforesaid, during the period above stated. In witness whereof I have signed and sealed these presents, at Drummond's Island, this 11th of November, Anno Domini 1816.

*Daniel M^cKenzie.*

Signed and sealed in presence of
*James Gruet*, Notary Public.
*D. Mitchell*, J. P. Witness, *W^m Smith.*

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No. 14.

Copy of a Dispatch from the Earl Bathurst, K. G. to Lieut. General Sir John C. Sherbrooke, G. C. B.; dated 17th January 1817.

Sir, Downing-street, 17th January 1817.

I HAVE received and laid before The Prince Regent your several dispatches, which relate to the continued disputes between the Hudson's Bay and North-West companies, and the recent proceedings of Lord Selkirk in the occupation of Fort William, and the arrest of certain members of the North-West company, on a charge of murder.

It appears, both from those dispatches, and from the different representations which have been received from other quarters, to be very doubtful, whether justice in this case can be satisfactorily administered, unless the persons accused and arrested by Lord Selkirk are brought home and tried in this country. His Royal Highness is well aware of the great inconvenience which a trial in this country, of an act committed in so remote a quarter, must necessarily impose on all the parties concerned, and it is therefore with great reluctance that this measure has been adopted.

You will take the proper steps for the removal of the persons concerned, and you will convey to Lord Selkirk the pleasure of His Royal Highness, that he should proceed to England with the necessary evidence, to make good the charges which he has brought against the individuals above mentioned.

In the event of the trial having actually taken place, and the parties accused having been acquitted, you will transmit home the minutes of the trial, and state to Lord Selkirk, that if it should appear by those minutes that there was no evidence against the parties accused, calculated to raise so violent a suspicion of their guilt, as to account for the strong measures which his Lordship thought proper to adopt for their apprehension, His Royal Highness will think it expedient, in order to prevent a recurrence of similar outrage, to require of the Hudson's Bay company the immediate recall of Lord Selkirk, and his dismission from all employment under them.

I have the honour to be, &c.

Lieut. General Sir J. C. Sherbrooke, G. C. B. &c. &c. &c. (Signed) *Bathurst.*

Copy of a Dispatch from Lieut. Governor Gore to the Earl Bathurst, K. G.; dated Upper Canada, 29th January 1817. No. 15.

My Lord, Upper Canada, 29th January 1817.

I HAVE the honour to acknowledge the receipt of your Lordship's dispatch of the 7th of November last, requiring that, with as little delay as possible, I should procure and transmit copies of the depositions upon which Lord Selkirk issued his warrant to apprehend Mr. M'Gillivray.

Mr. M'Gillivray having been committed to the gaol of Montreal, in Lower Canada, none of the documents which accompanied the warrant are within any jurisdiction of this province, nor have I the means to procure copies.

Your lordship will doubtless have received from Sir John Coape Sherbrooke, the governor of Lower Canada, a detailed account of the proceedings relative to Lord Selkirk and his colony, and the North-West company, at Fort William and the Red River. A special commission to proceed to the spot, having been issued by his Excellency, in which measure I fully concurred, rendering every aid in my power to assist in the investigation of the extraordinary transactions between the Hudson's Bay and North-West companies.

Should any legal proceedings be had against Mr. M'Gillivray in this province, I shall not fail to direct minutes of the evidence and other proceedings, to be prepared and transmitted to your Lordship.

I have the honour to be, &c.

To the Earl Bathurst, &c. &c. &c. (Signed) *Francis Gore*, Lieut. Governor.

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Copy of a Dispatch from the Earl Bathurst to Lieut. General Sir John C. Sherbrooke; dated 6th February 1817. No. 16.

Sir, Downing-street, 6th February 1817.

SINCE I had the honour of addressing you on the subject of the disputes existing between the North-West and the Hudson's Bay companies, I have received intelligence from different quarters, of the continuance of those proceedings which have involved the whole Indian country in disturbance, and which, if a check be not early put to them, threaten to be utterly destructive of the intercourse subsisting between that country and His Majesty's dominions. To prevent consequences so fatal to both parties, and so pregnant with danger to the safety of the Canadas, His Royal Highness The Prince Regent has been pleased entirely to approve of the appointment of Mr. Coltman and Mr. Fletcher as commissioners, to investigate and report upon the subjects of dispute between the Hudson's Bay and the North-West companies. But as much time must necessarily elapse before their report can be received and properly considered, I am commanded to signify to you His Royal Highness's pleasure, that measures should be immediately taken for putting an end to those violent proceedings which have latterly marked the contest of these two companies; and with this view, that each should be restored to the possessions held by them previous to the commencement of their recent disputes. You will, therefore, upon the receipt of this dispatch, issue a proclamation, in the name of The Prince Regent, calling upon the agents of each party, and upon all those whom either may have enlisted or engaged in their service, to desist from every hostile aggression or attack whatever; and in order to prevent the further employment of an unauthorized military force, you will require all officers and men, composing such force, to leave, within a limited time, the service in which they are engaged, under penalty of incurring His Royal Highness's most severe displeasure, and of forfeiting every privilege to which their former employment in His Majesty's service would otherwise have entitled them.

You will also require, under similar penalties, the restitution of all forts, buildings, or trading stations, (with the property which they contain,) which may have been seized or taken possession of by either party, to the party who originally established or constructed the same, and who were possessed of them previous to the recent disputes between the two companies.

You will also require the removal of any blockade or impediment, by which any party may have attempted to prevent or interrupt the free passage of traders, or

others of His Majesty's subjects, or the natives of the country, with their merchandize, furs, provisions and other effects, throughout the lakes, rivers, roads and every other usual route or communication heretofore used for the purposes of the fur trade in the interior of North America; and the full and free permission for all persons to pursue their usual and accustomed trade, without hindrance or molestation; declaring, at the same time, that nothing done in consequence of such proclamation shall in any degree be considered to affect the rights which may ultimately be adjudged to belong to either party, upon a full consideration of all the circumstances of their several claims.

I trust that the parties themselves will understand their own interests too well, not to yield a ready obedience to the commands of His Royal Highness; but, in order to ensure it, you will not hesitate to arm the commissioners with such additional authority as you may consider requisite to enforce the proclamation, and to take every other measure in your power for securing the objects which His Royal Highness has in view, namely, the cessation of all hostility both in Canada and the Indian country, and the mutual restoration of all property captured during these disputes, and the freedom of trade and intercourse with the Indians, until the trials now pending can be brought to a judicial decision, and the great question at issue with respect to the rights of the two companies shall be definitely settled.

I have the honour to be, &c.

Lieut. General Sir John C. Sherbrooke, G. C. B. &c. &c. &c.

(Signed) *Bathurst.*

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No. 17.

Copy of a Dispatch from the Earl Bathurst, K. G. to Lieut. General Sir John C. Sherbrooke, G. C. B.; dated 11th February 1817.

Sir, Downing Street, 11th February 1817.

I HAVE had the honour of receiving your dispatch from No. 67 to No. 72 inclusive, which have been duly laid before The Prince Regent.

I learnt with great regret, that the commissioners of special inquiry, to the result of whose labours I looked for some more precise information as to the actual state of the Indian country, and the means by which tranquillity might be restored, had been under the necessity of abandoning the object of their mission, and of returning to York. Under the untoward circumstances which prevented them from reaching the point of their ultimate destination, I have entirely to approve the measures which they adopted for making known the powers with which they were themselves invested, and for superseding those of the magistrates of the Indian country. And I trust, that when the road to Fort William is practicable, they will proceed to the execution of the important charge which has been confided to them.

I am fully sensible of the danger which may in the interim result to the commercial and political interests of Great Britain, from the opening which the conduct of Lord Selkirk appears calculated to give to the admission of foreign influence over the Indian nations, to the exclusion of that heretofore exercised by the subjects of Great Britain; and feel the necessity of putting an end to a system of lawless violence, which has already too long prevailed in the Indian territory, and the more distant parts of Upper Canada. By resisting the execution of the warrant issued against him, Lord Selkirk has rendered himself doubly amenable to the laws, and it is necessary, both for the sake of general principle, for the remedy of existing as well as for the prevention of further evils, that the determination of the government to enforce the law with respect to all, and more particularly with respect to Lord Selkirk, should be effectually and speedily evinced. You will, therefore, without delay, on the receipt of this instruction, take care that an indictment be preferred against his Lordship for the rescue of himself, detailed in the affidavit of Robert Mac Robb, and upon a true bill being found against him, you will take the necessary and usual measures in such cases for arresting his Lordship, and bringing him before the court from which the process issued. Surrounded as Lord Selkirk appears to be, with a military force, which has once already been employed to defeat the execution of legal process, it is almost impossible to hope, that he will quietly submit to the execution of any warrant against himself, so long as any opening is left for effectual resistance. It is therefore necessary that the officer, to whom its execution is intrusted, should be accompanied by such a civil (or if the necessity of the case should require it, by such

such a military) force, as may prevent the possibility of resistance. The officer, however, must be cautioned, that the force intrusted to him is not to be employed in the first instance, but is only to be resorted to in aid of the civil authority, in case of any opposition being made to the execution of his warrant in the ordinary manner.

As it appears not improbable, that Lord Selkirk may, previous to the issue of the process against him, have removed from Upper Canada into the territories claimed by the Hudson's Bay company, it will be necessary, in order in such case to give validity to the warrant against him, that it should be issued or backed by some magistrate appointed under the Act 43d of the King, to act both for Upper Canada and for the Indian territory. By this means the warrant will have, under the provisions of the Act of Parliament, a legal operation, not only in Upper Canada but in any Indian territories, or in any other parts of America (without excepting the territory of the Hudson's Bay company) which are not within the limits of either of the provinces of Canada, or of any civil government of the United States; and you will see the importance of not permitting the execution to be defeated by any irregularity in the warrant itself, or by any change of place on the part of Lord Selkirk.

As captain Mathey appears to have been equally concerned in the rescue of Lord Selkirk, you will take, with respect to him, the same measures which you are hereby instructed to adopt with respect to Lord Selkirk.

If, however, either from resistance on the part of Lord Selkirk to the execution of the warrant, or from any other cause, the appearance of his Lordship before the court should not be secured, the court will proceed to adopt, with respect to his Lordship, such measures as would be taken by them against any other person similarly circumstanced, who, after the issue of such process, should decline or omit to appear. You will not fail to communicate to me the result of these measures, in order that I may, in so extraordinary a contingency, submit to the consideration of Parliament, whether the urgency of the case does not require the adoption of some special measure of severity with respect to his Lordship.

You will not consider this instruction as in any degree superseding that which I had the honour of conveying to you on the 6th instant. You will equally call upon the military force employed by Lord Selkirk, to abandon the service in which they are at present engaged; and you will acquaint them further, that if they permit themselves to be employed in resisting the execution of legal process, they will be exposed to and prosecuted with the utmost severity of the law; and you will equally enforce the mutual restitution of places captured, and the freedom of trade throughout the Indian territory.

I have only further to add, in reply to the inquiry contained in your dispatch, No. 70, that if the commissioners are appointed magistrates of the Indian countries, in the terms of the 43d Geo. III, to which I have already referred, and to the terms of which it is important to adhere in their commission, their powers extend over Upper Canada and all those Indian countries, without distinction, even within the limits of the territory claimed or possessed by the Hudson's Bay company.

I have the honour to be, &c.

Lieut. General Sir J. C. Sherbrooke, G. C. B. (Signed) *Bathurst.*

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No. 18.

Copy of a Dispatch from the Earl Bathurst, K. G. to Lieut. General Sir John C. Sherbrooke, G. C. B.; dated 11th February 1817.

(Private.)

Sir, Downing-street, 11th February 1817.

YOU will receive by the present mail, the instructions which, upon a consideration of your recent dispatches, I have judged it expedient to transmit to you without delay; and I only think it necessary to address you privately on the subject of them, with a view of recommending that you should, if possible, warn Lord Selkirk of the danger to which he will expose himself, if he should persist in resisting the execution of the laws. In order more clearly to satisfy his Lordship on this point, you may communicate to his Lordship the substance of your instructions, and your determination to carry them into effect; and you may, at the same time, assure him, that the power of the law will equally extend to him, whether he be within the provinces of Canada or within the territory of the Hudson's Bay company.

I think it necessary also to call your attention to the commissions of the magistrates appointed under the Act of the 43d Geo. III, in order that there may be no doubt as to the extent of the power which they are authorized to exercise. I take it for granted, that the commissions run in the form prescribed in the second section of the Act, viz. constituting them "Civil Magistrates and Justices of the Peace for any "of the Indian Territories or parts of America, not within the limits of either of "the Provinces of Upper or Lower Canada, or of any Civil Government of the "United States of America, as well as within the limits of either of the said Pro-"vinces." Should the commissions, however, be worded otherwise, you will at once see the necessity of rendering them conformable to the statute, and thus preventing any doubt as to the persons holding such commissions having power to act as justices of the peace in Canada, as well as in those parts of North America which are not within the limits of those provinces.

I have the honour to be, &c.

Lieut. General Sir John C. Sherbrooke, G. C. B. &c. &c. &c. (Signed) *Bathurst.*

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No. 19.

Copy of a Dispatch from the Earl Bathurst, K. G. to Lieut. General Sir John C. Sherbrooke, G. C. B.; dated 10th March 1817.

Sir, Downing-street, 10th March 1817.

I THINK it proper to inclose, for your perusal, a publication, which it is understood is circulated on the part of Lord Selkirk, in justification of his conduct.

As his Lordship's arrest may place it out of his power to comply with the Prince Regent's commands, to proceed himself to England with the necessary evidence against the persons accused by his Lordship, you will take care to impress upon his Lordship, the expediency of his taking the proper measures, that His Majesty's government may be furnished with the evidence of which he is in possession against the persons accused. Should his Lordship, however, decline doing so, you will direct the persons whose evidence, either according to the inclosed pamphlet, or from any information you have obtained, may appear to be the most material to make out (as far as the case will permit) the charges against the accused, to proceed to England, in order to make their depositions before the proper legal authority in this country.

I have the honour to be, &c.

Lieut. General Sir John C. Sherbrooke, G. C. B. &c. &c. &c. (Signed) *Bathurst.*

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No. 20.

Copy of a Dispatch from Lieut. General Sir John C. Sherbrooke, G. C. B. to the Earl Bathurst, K. G.; dated 8th April 1817:—Three Inclosures.

My Lord, Quebec, 8th April 1817.

IT is with much regret that I find myself under the necessity of transmitting to your Lordship copy of a confession of a man named Reinhardt, containing the details of a most atrocious murder committed by him and another person, at the instigation of a partner of the North-West company, on Owen Keveney, an officer of the Hudson's Bay company, then being in the Indian territories; and I also add copy of the deposition of one Hubert Faille, throwing further light on this horrible transaction.

Indictments for murder having been found at Montreal in the last term against Reinhardt, the actual perpetrator of the murder, and against the partner and clerks of the North-West company, who have been accessaries to it, I have, by the advice of the executive council, issued a proclamation offering rewards for the apprehension of the offenders.

I take this opportunity of transmitting also to your Lordship, copy of the deposition of one Pritchard, an agent of the Hudson's Bay company; to which, as it contains a circumstantial statement of the whole of the transactions at the Red River, from the commencement of the disturbances up to the month of August last, I beg leave to call your Lordship's particular attention.

I have, &c.

The Earl Bathurst. (Signed) *J. C. Sherbrooke.*

(Copie.)

Inclosure (1) in Sir J. C. Sherbrooke's, of 8th April 1817.

" Hubert Faille, de la paroisse de La Prairie, dans le compté de Huntingdon, dans le district de Montreal, voyageur, étant duément assermenté, dépose et dit, Que vers la fin de l'été passé, lui le déposant, partit du Lac la Pluie, dans un canot commandé par Mons. Cadot, metif, et commis de la compagnie du Nord-Ouest, accompagné d'un autre canot, commandé par Mr. M$^{c}$ Donnell (que le deposant a entendu appeller par d'autres voyageurs Canadiens " La Tête Jaune ;" et que le déposant croit hiverner cette année-ci au fort " Qui Appellé,") pour se rendre au bas de la rivière : Que sur le midi de la quatrième journée ils rencontrerent deux petits canots, qui montoient, sur lesquels se sont trouvés cinq métifs ou *bois brulés*, menant, comme prisonnier un homme de bonne mine, que la deposant entendit être nommé Kavanagh, qui avoit des fers aux mains et dont les poignets, ont paru enflés et comme usés par les fers, lui le prisonnier étant accusé (disoient les metifs qui le menoient) d'avoir tuer deux ou trois de ses gens : Qu'il y avoit alors dans le canot de Mons. Cadot, lui, le dit Cadot, quatre Canadiens, dont le déposant, un nommé La Pointe, et un nommé Valois, étoient trois, et un sauvage nommé Joseph, et qu'on dit être le fils d'un autre sauvage ou sauvagesse appellée " La Perdrix *Blanche*;" et qu'il y avoit dans l'autre canot, commandé par Mr. M$^{c}$ Donnell, six Canadiens, dont trois etoient nommés Batournes, Husse, et Plante : Que la-dessus, le dit Mr. M$^{c}$ Donnell, a parlé long temps avec le prisonnier qu'il a dégarroté en lui ôtant les fers, et avec qui il a mangé : Qu' après une heure ou deux d'entretien, le dit Mons. M$^{c}$ Donnell commanda aux metifs ou bois-brulés qui étoient avec le prisonnier, de s'en aller avec eux les dits M$^{c}$ Donnell et Cadot, et qu'ils fussent remplacé par le deposant, le dit La Pointe et le dit sauvage Joseph, comme guide : Qu'il commanda d'écorter le prisonnier au poste du Lac la Pluie : Qu'il n'y avoit eux en fait d'armes que le fusil du sauvage, et que le déposant ayant remarqué au dit Mr. M$^{c}$ Donnell, qu'on avoit trouvé bon de tenir le prisonnier les fers aux mains, quand il y avoit cinq personnes pour le garder, au lieu qu'on l'avoit laissé libre quand il n'y avoit que trois, le dit Mr. M$^{c}$ Donnell a dit, qu'il n'y avoit rien à craindre, et qu'il pouvoit assurer que le prisonnier se comporteroit tranquillement, ou quelque chose de même : Que la dessus le deposant, les dits La Pointe, et le sauvage, et le prisonnier, sont partis ensemble dans un des canots, pour monter au Lac la Pluie : Que pendant le voyage, et particulièrement le deuxième soir quand ils étoient campés, et tandis que le prisonnier couchoit, le dit sauvage a fréquemment indiqué une intention à tuer le prisonnier en le mettant *en joue*, comme s'il vouloit le fusiller ; et comme le déposant et le dit La Pointe s'y sont toujours opposés, le sauvage a fait comprendre qu'il avoit l'idée que ce seroit agréable au dit Mr. M$^{c}$ Donnell qu'il le tuât, ou que lui le dit Mons. M$^{c}$ Donnell, en seroit bien content, ou quelque chose à cet effet : Que quelques jours après ils rencontrèrent en deça du Portage du Rat, deux canots, commandés par Messrs. Stuart, Fraser, Thomson, et Ferris, de qui ils ont obtenu des vivres, et dont Mons. Stuart a donné des biscuits au prisonnier : Qu' a cette occasion Mr. Thomson auroit remarqué, qu'il vaudroit mieux de se retourner au fort en bas de la rivière, au lieu d'aller au Lac la Pluie, comme il n'y auroit point de canots, qui descendroient du lac : Que vers deux ou troies lieues au-délà ils rencontrèrent neuf autres canots, chargés sous la conduite de Joseph Paul, comme guide, et que comme le sauvage vouloit absolument les quitter et refusa de les accompagner plus en avant eux le déposant et le dit La Pointe, consentirènt enfin de se retourner avec le dit Paul : Que leur canot étant en mauvais condition, ils demanderent au dit Paul de leur donner place dans ses canots ; mais qu'il refusa, en disant qu'il s'y seroit accordé s'ils avoient été seuls, mais que comme il avoit beaucoup de poudre avec lui, il craignoit que le prisonnier ne fît quelques extravagances, c'est pourquoi il ne le pouvoit pas : Qu' ensuite ils ont accompagné ou suivi la brigade du dit Paul en descendant la rivière, pendant cette journée-là, mais ne pouvant plus tenir pas avec la brigade le dit Paul, les a laissés le lendemain en procédant en avant : Que le même soir, étant campés, le sauvage fit encore de vives instances à tuer le prisonnier, et à cette fin chargea son fusil à deux balles, et coupa deux gros bâtons qu'il donna, l'un au déposant, et l'autre à La Pointe, pour se defendre (disoit-il) contre le prisonnier, en cas qu'il fît quelque résistance, mais qu'ils refusoient constamment de s'y accorder : Que le lendemain le sauvage, qui étoit leur guide, ayant réfuser absolument de les permettre de rembarquer le prisonnier, ils le laissèrent sur une petite isle, et se rembarquerènt avec le sauvage : Que leurs vivres étant exhaussés, ils ont encore montè la rivière pour trouver des sauvages qu'ils avoient vus, pour en obtenir d'avantage, et les ayant trouvés ont restés trois jours avec eux, pendant lequel temps ils en ont achetés ; et que lui le déposant, auroit donné aux sauvages en payement, une ceinture et un mouchoir de soie, et que La Pointe a donné un capot ; que pendant plusieurs jours aprés avoir laissé le prisonnier, le sauvage se fâchoit

continuellement contre le déposant, et plus encore contre La Pointe, apparemment parcequ'il l'avoit empêché de le tuer; et que pendent le temps ou ils etoient avec les autres sauvages, le dit sauvage Joseph étant furieux contre le deposant et La Pointe, pour avoir réfuser de se rembarquer avec lui, il mit le canot en pièces à coup d'aviron: Que le dit sauvage Joseph, ayant achetés des autres sauvages un autre canot pour une couverte, ils se sont encore rembarqués avec lui: Que trois jours après, le sauvage, s'étant fâche contre La Pointe, parceque La Pointe a voulu mangé avant que le sauvage auroit trouvé bon de lui donner à manger, ils se sont combattus à coups d'avirons et de perches; et que là-dessus le sauvage prit son fusil, qui etoit alors chargé de balle, pour tuer La Pointe, mais que le deposant s'est dardé sur lui, et l'a ôté: Que le sauvage s'étant repris avec La Pointe, ils se sont encore combattus à coups de bâton, mais que La Pointe l'ayant vaincu le sauvage, s'est sauvé dans le bois: Que le déposant et La Pointe, après que le sauvage fut parti, ne sachant plus leur chemin, se sont rendus à tels endroits de la rivière et des isles, qu'ils ont jugés les plus convenables pour se mettre dans le chemin des canots qui pouvoient passer, et que quatre jours après le depart du sauvage etant sur une petite isle au milieu de la rivière, ils ont vu un canot du Nord qui s'approchoit, dans lequel étoit Mr. Arché (un des associés de la compagnie du Nord Ouest) le dit Mons. Cadot, Mr. Grant, metif et commis de la dite compagnie, Reinhard cidevant serjeant du regiment de Meuron, un nommé Rochar, domestique du dit Mr. Arché, et sept métifs, et dans lequel étoit aussi le dit sauvage Joseph qui étoit enveloppé dans une cloque Ecossoise: Qu' aussitôt que la canot s'est rendu, le dit Mr. Arché sauta à terre, et attaqua le déposant et le dit La Pointe à coups de perches, en leurs debitant des injures dont ils ne savoient pas le motif, mais qu'ils supposoient être occasionné par la dispute qu'ils avoient eû avec le sauvage, et a continué à les battre jusqu'à le dit Rochon s'est levé dans le canot, en disant aux autres qu'il falloit debarquer pour empêcher le dit Arché de les tuer: Que le dit Mons. Arché tandis qu'il battoit le deposant, et le dit Cadot après lui, ont fait des reproches pour avoir ôté le fusil du sauvage, en disant qu'il n'avoit pas besoin de se mêler du sauvage, comme ce n'étoit pas de ses affaires: Qu' après les avoir battu de même le dit Mons. Arché, a obligé au deposant et au dit La Pointe de s'embarquer dans son canot, qui alloit vers le Lac la Pluie: Que le lendemain, avant midi, ayant rencontré une brigade de canots avec des voyageurs, le dit Mons. Arché leur a demandé s'ils avoient vu le Mons. Kavanagh, qui ont répondu qu' oui, et qu' on pourroit le trouver à peu de distance parmi des sauvages, et qu' en conséquence le déposant et les autres ont trouvé le dit Kavanagh, l'après midi qui restoit avec des sauvages, à l'endroit où les autres voyageurs avoient indiqué, à la distance de trois ou quatre lieues de l'endroit où ils l'avoient laissé quelque jours auparavant: Que-là dessus le canot de Mons. Arché et les autres, se mit à terre et tout le monde débarqua, et que Mr. Grant parloit avec le dit Mons. Kavanagh quelquetemps, en lui tendant la main et apparemment avec amitié: Qu'après une heurre ou environ, le canot de Mons. Arché partit en laissant à terre le dit Reinhard, un nommé Menville, métif, et le dit sauvage Joseph, pour les suivre dans un petit canot de sauvage (que Mons. Arché avoit acheté pour du rum) avec le dit Kavanagh (le dit Mons. Arché ayant declaré, qu'il ne vouloit pas le laisser entrer dans sa propre canot) les dits Reinhard Menville et le sauvage disant, qu'ils alloient les rejoindre au soir: Que le déposant croit bien qu'on avoit dessein avant que de laisser les dits Reinhard, Menville, et le sauvage Joseph à terre; qu'ils menassent le dit Kavanagh à quelque distance, et qu' il le tuassent, et que tout le monde dans le canot de Mons Arché en avoit connoissance, lui le déposant ayant entendu le dit Reinhard dire tout haut au dit Menville dans le canot de Mons. Arché, en presence des dits Messrs. Arché, Cadot, Grant, Rochon, et les autrès, en parlant du dit Kavanagh avant leur débarquement "*qu' il alloit bientôt faire son affaire;*" par laquelle expression le déposant a bien compris qu'il vouloit dire qu'il alloit le tuer, et que le dit Menville a paru au déposant y consenter, et se presenter comme voulant aider au dit Reinhard dans l'execution de tel dessein, et de plus qu'il y avoit quelque conversation entre eux, touchant la répartition du butin de Kavanagh, lui le dit Menville disant qu'il auroit son chapeau et un autre, dont le déposant ne souvient pas du nom, disant qu'il auroit ces bottes, et qu' enfin le déposant n'a point de doute que tout le monde dans le canot de Mons. Arché, n'ait parfaitement compris la nature du complot: Qu' après avoir marché quelque temps à le distance de deux lieues, ou environ, lui le déposant et les autres dans le canot de Mons. Arché, se sont encore debarqués un peu avant le coucher du soleil, et que peu de temps après ils entendirent un coup de fusil à quelque distance, sur quoi un des metifs nommé Desmarais, qui avoit paru mécontent du meûtre, s'exclama, en parlant de Menville, "*Ah, le chien! je parie qu'il a tué le prisonnier!*" Que quelque temps après ils virent le dit canot de

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sauvage tourner la pointe avec Reinhard, Menville et le sauvage, mais que Kavanagh n'y etoit pas, et que là dessus Mr. Arché, Cadot, Grant et des autres accoururent apparemment avec l'intention de demander des nouvelles, et demanderènt "*si l'affaire étoit faite?*" à quoi les dits Reinhard, Menville et le sauvage out repondu, "*que oui:*" Que quand le canot s'est approché, le déposant s'est apperçu qu'il y avoit du sang dedans, et que Reinhard, Menville, et les autres se sont debarqués et rejoints à eux autres: Que pendant toute la veillée tout le monde parloit librement du meutre de Kavanagh, et les dits Reinhard, Menville et le sauvage, en ont raconté les circonstances sans menagement, et qu'ils ont paru même s'en vanter: Que Menville en particulier a dit au déposant, en racontant les circonstances, que Kavanagh s'etoit débarqué, et qu'il alloit se rembarquer, quand Reinhard qui étoit derrière lui, a donné un coup de sabre à l'épaule, et l'ensuite qu'il l'a piqué à travers le dos, que là-dessus Kavanagh auroit tombé en avant sur le canot, et s'étant relevé dans le même instant que lui, Menville l'a tiré à travers le col où bien la partie inferieure de la tête, et que la cervelle auroit sorti de la tête; et qu'ils ont ensuite deshabillé le corps et l'ont laissé tout nu sur les rochers: Que les dits Reinhard, Menville et le sauvage out apporté dans le dit canot de sauvage, tout le butin de Kavanagh, qui consistoit de deux valises couvertes de poil, une écritoire, son lit, sa tente, et puis les hardes qu'il avoit portés lors du meutre: Que ses derniers consistoient d'un capot gris, un habit bleu, une veste que le déposant croit être bleue, aussi une grande culotte grise, une chemise de coton bleu et blanc, et puis une autre de laine, ses bas et ses souliers François, et que le deposant a vu les habits transpercés de coups et tout ensanglantés dans le canot: Que peu de temps après leur arrivée le metif Menville et le sauvage ont lavé l'habit la veste et les chemise dans la rivière: Que le même soir Reinhard ouvrit les valises de Kavanagh (en ayant trouvé les clefs, disoit-il, sur sa personne) et repartit ceux là de ses hardes qu'il a trouvé de la moindre valeur, parmi les hommes en cachant les autres dans le bois, et que Menville et le sauvage ont retenu ceux là que Kavanagh avoit portés sur sa personne: Que cette repartition eut lieu dans la presence de Messrs. Arché, Cadot et Grant, qui étoient autour du feu on même temps: Que le même soir les dits Messieurs Arché, Cadot et Grant, ont examiné tous les manuscrits et papiers qu'on a trouvés dans les valises et l'ecritoire du défunt, que Mons. Arché bruloit à mesure, et que le lendemain dans le canot ils ont encore examiné de ces papiers, aprés quoi le déposant a vu Mons. Arché et Cadot en couler dans la rivière au moyen de pierres enveloppées dédans; et que Mons. Arché auroit remarqué, qu'il etoit bien heureux qu'on avoit tué cet homme là, comme c'auroit ête bien dangereux ou desavantageux pour les gens du Nord-Ouest s'il avoit rencontré les gens de my Lord; et le déposant dit de plus qu'il a apporte à Montreal avec lui le dit capot que portoit le dit Kavanagh lors du meutre, qu'il avoit reçu du dit La Pointe qui l'avoit obtenu d'un des metifs en échange pour un autre, et que le dit capot est à present comme le déposant croit au gref de police: et le déposant dit de plus, que le lendemain après le meutre, tout le partie a embarqué ensemble dans le canot de Mons. Arché, en laissant derrière eux le dit canot de sauvage pour aller au Lac la Pluie, où ils se sont rendus la troisieme ou quatrième journée: Que le deposant a resté quelque temps, peut-être trois semaines ou environ, au Lac la Pluie, quand il en est parti accompagné de Mons. Dease et trois autres hommes, Dumai, le dit Lapointe et Poirier, pour descendre au Fort William: Qu'en passant le Lac Vermiglion ils ont rencontré le capitaine D'Orsonnens avec una brigade de six ou sept canots et cinquante hommes ou plus, qui les a fait virer, et qu'enfin lui le déposant, le dit Reinhard, et le dit La Pointe, furent faits prisonniers au Lac la Pluie, aprés la prise de ce poste par le dit capitaine D'Orsonnens.

La marque de
✗
*Hubert Faille.*

Affirmé devant moi, à la Ville de Montreal, ce vingt-quatrième jour de Fevrier, mil huit cent et dix sept.

(Signé) J. Fletcher.

(Copie.)

Inclosure (2) in Sir J. C. Sherbrooke's, of 8th April 1817.

Moi, sous signé Charles De Reinhard, m'étant rendu prisonnier à capitaine D'Orsennens au Lac la Pluie le 2d Oct. 1816, en conséquence de differentes circonstances arrivées depuis le temps de mon service dans la compagnie du Nord-Ouest, et pour ce qui a rapport à la mort de Mr. O'Keveney, fais volontairement la declaration suivante:—

Ayant fini mon temps de service comme colour sergent dans le regiment de Meuron, j'ai été recommandé par Monsieur le lieutenant de Messani, commandant de ma compagnie à Messrs. William M'Gillivray et M'Leod, pour être commis dans la compagnie

compagnie de Nort-Ouest, et j'ai obtenu ensuite mon congé du regiment le 24 April 1816, par recommendation particulière faite à Son Excellence le Gouverneur S. G. Drummond.

Je me suis engagé avec la plus haute opinion que j'ai reçu de Monsieur Messani, pour servir avec tout le zèle possible une société la plus honorable et protégé par le Gouvernement, et j'ai été très satisfait de partir pour le Nord en compagnie de Messrs. Lieutenans Messani et Bromley, qui avoient permission d'absence du regiment pour six mois, sur la demande de la compagnie de Nord-Ouest, pour rendre un compte impartial au Gouvernement de tout ce qui se passeroit dans ce païs.

Durant la voyage j'ai entendu parler plusieurs fois d'une opposition, sans scomprendre où et comme elle étoit, jusqu'a ce que nous sommes arrivés au Lac la Pluie, où Mons. Messani m'informa que Mons. M^c^Leod souhaitoit que je misse mon habit militaire, ainsi que mon camarade Heurter (Messrs. M^c^Gillivray, M^c^Leod et Messani nous ayant recommandé de les prendre avant le départ de Montreal) pour paroître dans un conseil de sauvages qui eut lieu dans la chambre d'audience où Messrs. Messani et Bromley ont été introduits comme capitaines, moi et Heurter à leur coté comme gens du roi. Mons. M^c^Leod dirigeoit le discours part l'interprête et faisoit expliquer aux sauvages ce qui s'etoit passé dans la Rivière Rouge, où Mr. Robertson avoit pris le fort comme un voleur, les prisonniers maltraités, et après le pillage, tout brulé, et ce qu'on avoit à craindre d'autre violence: en consequence le Gouvernement avoit envoyé Messrs. les officers, pour voir que justice fut rendue; et que Mons. M^c^Leod invita les sauvages de prendre parti avec la compagnie de Nord-Ouest, et de leur donner assistance pour defendre leur droit. Sur quoi un chef des sauvages et 24 de ses jeunes gens après avoir reçus des presens et ammunition, sont parti le lendemain avec la brigade, la moitié dans leurs propres canôts, et la moitié dans ceux de la brigade.

Arrivés au fort bas de la rivière, Mr. M^c^Leod fit ouvrir les caises d'armes et armer les Canadiens, on embarqua deux pièces de canons de metal, et la brigade monta jusqu'à la rivière de Mort, pour y attendre encore des canots de Athabaska, qui sont arrivés le lendemain.

Le 22 Juin la brigade est avancée dans la Rivière de Mort, et rencontra neuf barges de colonistes, dont Mr. M^c^Leod visita toutes les cassettes, coffres, &c. &c. garda beaucoup de papiers: il ne fit prisonnier que Mr. Pritchard, de qui les premiers details des evenemens qui ont eu lieu à la rivière Rouge furent obtenu.

Ayant rétrogradé jusqu'au campement précédent avec les colonistes, Mr. Burke, qui etoit blessé, et trois autres serviteurs de la compagnie de Hudson, ont été faits prisonniers, et mes tous assembles dans une tente dont j'avois la surveillance. Le lendemain Mons. M^c^Leod et les autres proprietaires presens avec plusieurs commis, sont partis en canots, allege pour la fourche, ainsi que Messrs. Messani et Bromley, qui aussitôt après leur retour et des autres Messieurs à la Rivière de Mort, sont partés avec Mr. Hughes pour Fort William, pour apporter les nouvelles à Mr. William M^c^Gillivray, et de là se rendre à Montreul immédiatement. Après que la brigade fut rassemblée, on m'envoya avec les prisonniers au bas de la rivière, et la brigade se rendit au Grand Rapide, craignant que Mr. Robertson n'intercepta les canots chargés d'Athabaska, et Messrs. M^c^Donnell et M^c^Lellan sont arrivés quatre ou cinq jours après moi au bas de la rivière avec quinze bois-brulé, trois canons, dont deux petits de metal, et un de fer, deux fusils de rampart, et environ cinquante fusils (muskets) de l'ancien model de l'armée. Au retour de la brigade du Grand Rapide les prisonniers ont été embarqués pour Fort William, et j'ai reçu la direction sous le commandement de Mons. M^c^Lellan, de mettre le fort en état de defence, tant contre Mr. Robertson, qui a été supposé vouloir prendre ce poste de provisions, où il y avoit 400 ou 500 sacs de pemican qu'à recevoir les canotées, et 40 fusils en réserve, toujours chargés, chaque canot de la compagnie de Hudson qui tenteroit de passer le poste. Ayant appris que le Milord Selkirk étoit arrivé au Sault, avec grand nombre d'hommes, canons, &c. on redoubla de vigilance au fort, M^c^Lellan faisant croire à tout le monde que le Milord étoit leur plus grand ennemi, avilissant son caractère de toutes manières, et representant le pamphlet de Mr. Strachan comme parlant de Milord avec trop de moderation, publiant l'opinion de trois avocats pour prouver la nullité de la chartre, et representant Lord Selkirk comme agissant sans autorité, et faisant des loix à sa façon: Que le Gouvernement etoit decidément en faveur de la compagnie de Nord Ouest, puisqu'il avoit envoyé deux officiers pour voir que tout etoit en règle: Que tout ce que fait Lord Selkirk c'est sans la connoissance ou l'agrément du Gouvernement. Dans le commencement d'Août on apprit au bas de la Rivière qu'il étoit arrivé dans le Lac

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du Bonnet une barge d'Anglois de la Baye D'Hudson avec peu de monde. Par les premiers canots chargés pour Athabaska, il arriva un homme de cette barge, qui dit qu'il ne pouvoit plus rester avec Mr. Keveny qui commande cette barge, et que ses camarades échapperoient aussi à la première occasion; quelques jours après quatre autres hommes de cette barge sont arrivés avec des autres canots pour Athabaska.

Deux ou trois jours après Mr. M^c^Leod etant arrivé du Fort William examina les hommes dont un nommé Hog a fait serment, que Mr. Keveney avoit cruellement maltraité lui et ses camarades. Sur cela Mr. M^c^Leod donna un warrant contre lui, et nomma moi et un de ses propres hommes nommé Castalo comme constables pour aller l'arrêter au Portage où les gens l'avoient abandonné, Mr. M^c^Leod ordonna six bois-brulés avec moi pour assistance; en arrivant sur les dix heures du matin, j'ai trouvé Mr. Keveney dans sa tente, et je lui ai annoncé ma mission, le faissant prisonnier au nom du Roi; il fut très surpris, et saisit ses pistolets pour se defendre; lui ayant representé que son opposition à la loi servit une cause inevitable de sa mort immediate, il resta tranquille et demanda à voir le warrant par lequel il été arrêté, l'ayant lu il vint de nouveau furieux, et j'ávois beaucoup de peine à empêcher les bois-brulés de le tuer. Mons. Keveney fut ammené prisonnier au bas de la Rivière. J'ai laissé l'interprète Primeau pour avoir soin de ses propriétés déjà sous la charge de son commis nommé Cawby, et de son domestique un Irlandois. Arrivé au fort avec le prisonnier, il eût une vive dispute avec Mr. M^c^ Lellan, prétendant ne pas être sous la jurisdiction du Canada, étant sur le territoire de la compagnie de la Baye d'Hudson; il pretendoit être independant des lois du Canada. Le lendemain, vers les dix heures, il fut embargé pour Fort William avec cinq bois-brulés, à qui Mons. M^c^ Lellan remit des fers, pour en faire usage en cas que le prisonnier fit résistance. J'ai ensuite appris des bois-brulés que arrivés au Portage, le prisonnier se conduisit de manière à les obliger de le garrotter, et lui mettre les fers aux mains. Le commis de Mons. Keveney (Cawby) étant abandonné se rendit au fort, demanda à Mons. M^c^ Lellan de recevoir contre un reçu la barge avec la charge, et de lui accorder la liberté, et encore un homme pour retourner avec un petit canot au Fort Albany, d'où ils étoient venus. Le reçu a été délivré pour quatre veaux, une alambic, une caisse d'armes, des quarts de bœuf sallé, farine, &c. &c. Au retour de Primeau au fort, il délivra des papiers de Mons. Keveney à Mr. M^c^ Lellan, et garda pour lui les habillemens qu'il (Mr. Keveney) avoit laissés en partant pour Fort William, et fit en outre présent à Mr. M^c^ Lellan de livres, flacons à vin, chandelliers, tasses, et autres petits articles. Parmi les papiers il y avoit des instructions imprimée de la compagnie de la Baye d'Hudson. J'ai appris que Mons. M^c^ Donnell ayant rencontré le prisonnier et les cinq bois-brulés, remplaça les cinq bois-brulés par deux jeune Canadiens et un sauvage, comme guide pour conduire le prisonnier au Lac la Pluie. Messrs. Stuart et Thompson ayant rencontré trois ou quatre jours après ce canot, le firent retourner; les Canadiens et le sauvage s'étant disputé, ils se separèrent, et les Canadiens ignorant le chemin n'ont pu plus suivre leur route, ont abandonné le prisonnier dans une petit isle, et sont reste dans une autre isle pas loin de lui. Mr. Stuart etant arrivé au bas de la rivière avec la nouvelle que Fort William etoit pris, M^c^ Lellan l'envoya avec un canot allege à Athabaska, pour avertir Mr. M^c^ Leod, et un autre á la Rivière Rouge pour avertir Mons. M^c^ Donnell, qui arriva au bas de la rivière le 4 Septembre dans la nuit avec les bois-brulés et des sauvages. Pendant tous ce temps on attendoit Mr. Keveney, qui n'arrivoit point, et on conjecturoit, ou que le sauvage l'avoit tué, ou que les Canadiens s'etoient égurés, ou que le canot avoit fait naufrage. Le cinq de Septembre Messrs. M^c^Donnell et M^c^Lellan ont assemblé tout le monde au bas de la rivière pour un conseil; on representa dans une proclamation la prise de Fort William, et les dangers qu'on courroit en permettant à l'ennemi de pénétrer plus avant, et demanda ceux qui voudroient se rendre volontairement au Lac la Pluie de s'annoncer. La plus part ayant refusè, et prètèrè dèfendre leurs terres à la rivière Rouge, Mons. M^c^Lellan en prit un canot allege avec Mons. Graut, Cadot et moi, sept bois-brulés et son domestique, un Canadien, dans l'intention de se rendre au Lac la Pluie, pour apprendre des nouvelles, et en même temps chercher à decouvrir ce qu'etoit devenu Mr. Keveney. Pendant le voyage la conversation générale étoit qui si on le trouvoit il falloit le tuer, etant un ennemi determiné de la compagnie, et qu'il pourroit faire beaucoup de dommage à la rivière Rouge, si dans le temps il avoit occasion de prendre vengeance. Apres quatre jours de marche, le sauvage s'est trouvé près d'une petite rivière; quelques heures après on a apperçu les Canadiens auxquels Mr. M^c^Lellan a administré beaucoup d'invectives et plusieurs coups de perche, pour

avoir battu le sauvage et abandonné le prisonnier; les bois-brulés ont insulté les Canadiens, pour avoir empêché au sauvage de tuer le prisonnier, qui disoient il auroit dû être mis à mort au moment qu'il fut pris. Mr. M^c^Lellan s'etant informé où il pourroit trouver le prisonnier, il prit les Canadiens dans le canot, le sauvage y étant déjà recouvert d'un manteau Ecossois, afin de n'être pas reconnu. Mr. M^c^Lellan en fut furieux en arrivant à l'isle où le prisonnier avoit été abandonné, sans le trouver, croyant qu'il s'etoit échappé du côté de la Baye d'Hudson, et chercha chez tous les sauvages jusqu' à ce qu'il le trouva par sa tente qui etoit près d'une famille de sauvages, à qui M^c^Lellan fit présent de rum et tabac, et traita un pétit canôt pour faire embarquer le prisonnier avec moi un bois-brulé et le sauvage, disant à moi, " *faites croire au prisonnier qu'il doit descendre au Lac la Pluie; nous ne pouvons pas* " *le tuer ici parmi les sauvages; nous vous attendrons plus loin, et quand vous trouverez* " *un endroit favorable, vous savez ce que vous avez à faire.*" Sur quoi il partit, environ trois quarts d'heure après que les femmes sauvages eurent fini de gommer le petit canôt, j'ai fait embarquer le prisonnier avec tout son baggage, à l'exception d'un valise et un portemanteau, qui furent mis dans le canôt de Mons. M^c^Lellan, et environ un quart de lieue de là la rivière faisant un coude, et Mr. Keveney ayant demandé de mettre pied à terre pour ses besoins, j'ai dit a Menville (le bois-brulé) nous sommes assez loins des sauvages, tu peux tires quand il sera proche pour se rembarquer, le sauvage tenoit le canôt par devant, et moi j'etois aussi à terre, quand Mons. Keveney approcha pour s'embarquer, Menville lui lâcha son coup de fusil, dont le contenu lui traversa le col, et comme j'ai vu que le coup n'étoit pas assez mortal, et que Mons. Keveney vouloit encore parler, étant tombé en avant sur le canot, je lui ai passé mon sabre par derriére le dos contre le cœur, à deux reprises, a fin de terminer ses soufrances; etant bien mort ils depouillerènt le cadavre, et le porterènt dans les bois. M'étant rendu au camp de Mons. M^c^ Lellan qui en voyant arriver le petit canot, envoya Messrs. Grant et Cadot, pour me demander si Mr. Keveney étoit tué, ayant repondu qu' oui, ils m'informerènt que Mons. M^c^ Lellan les avoit envoyés pour me donner la direction de dire, qu'il n'est *pas* tué, sur quoi je leur dis qu'il est tué et que je ne le cacherois pas, puisqu' il étoit executé par ses ordres. Arrivé au camp M^c^ Lellan a demandé les details du meutre, que je lui ai donnés comme ci-dessus, et je lui ai remis sa tente, son lit, et tout le bagage, il examina tous les papiers pendant la nuit, brulant les uns, et gardant les autres, et le reste il remit a ma discretion; j'ai distribué entre les bois-brulés quelques habillemens portés. Mr. Grant demandoit la tente, et Mr. Cadot differens articles, et je comptois de garder un cofire avec des habillemens fins pour ma part, mais tout fut laissé en cache pour le retour du Lac la Pluie. Nous arrivâme le 13 Septembre au soir au fort Lac la Pluie, où trouvant que le fort n'étoit pas occupé par le parti de Lord Selkirk, Mr. M^c^ Lellan proposa de se rendre au Fort William, pour obtenir des intelligences, ce qui ayant été refusé par les bois-brulés, il me proposa d'y descendre dans un petit canot, avec deux ou trois Canadians; mais Mr. Dease, ayant sa famille au fort, demanda et obtint d'y aller à ma place. Mr. M^c^ Lellan partit pour le bas de la rivière le dix Septembre, et moi, j'etois pour rester au Lac la Pluie jusqu' au retour de Mr. Dease. Le deux Octobre, de grand matin, j'ai reçu une lettre de capt. D'Orsonnens, qui avoit appris par les sauvages que j'etois là; il m'avertissoit de ne pas fuir de l'endroit, qu'il avoit absolument à me parler concernant les affaires de la Rivière Rouge, m'envoyant au méme temps une copie de la proclamation du Gouvernement. Capitaine D'Orsonnens étant arrivé sur les deux heures avec Mons. Dease, et m'ayant expliqué les circonstances des deux compagnies, et que ceux du Nord-Ouest étoient á la Rivière Rouge, servient considérés comme rebelles au Gouvernement, s'ils persistoient dans leur conduite. Je fus de plus surpris de cette nouvelle, et surtout fremis d'horreur en pensant au crime affreux auquel ces Messrs. de Nord-Ouest m'avoient fait participer peu de jours auparavant sur la personne de Mr. Kevency; ayant cru jusqu'á ce moment là m'être conformé aux vœux du Gouvernement, sur quoi je me rendis prisonnier au capitaine D'Orsonnens, et lui donnai tous les details ci-dessus.

(Signed) *Ch^s^ De Reinhard,*
Commis. de la Compagnie de Nord-Ouest.

Fort William, le 28 Octobre 1811.

Before Thomas Earl of Selkirk, one of His Majesty's Justices assigned to keep the Peace in the Western district of Upper Canada, and also in the Indian territories, or parts of America not within the provinces of Upper or Lower Canada, appeared Charles Reinhard, charged with the crime of murder, who being examined, confessed that he had assisted in murdering Mr. Owen Keveney, and gave in

in the annexed statement, written with his own hand, and signed with his name, declaring that the same contained a true account of the transaction, and of the reasons by which he was misled to participate in such a crime.

(Signed) *Chᵃ Reinhard,*
Commis. de la Compagnie de Nord-Ouest.

Declared before me at Fort William, on the 3d day of November 1816. (Signed) *Selkirk,* J. P.

In presence of
(Signed)
Witnesses.
*F. Mathey,* Capt. late De Meuron Regt.
*John W. Dease.*
*John Allan.*
*Alexander Bridport.*
——— *Becher.*

A true copy of the original confession in the Police Office, Montreal, 22d February 1817. (Signed) *J. M. Mondelet,* J. P.

Inclosure (3) in Sir J. C. Sherbrooke's, of 8th April 1817.

John Pritchard, late of Red River settlement, in the district of Assiniboine in the territories of the Hudson's Bay company, gentleman, being duly sworn, deposeth and saith, that he was during the 13 years next preceding, and until the year 1814, a clerk in the service of the North-West company; that during nine years of that period, he was resident principally in the district of Assiniboine, and during the last two years had the charge of the North-West fort at Qui Appelle; that from personal experience of the pleasantness of the climate, and the fertility of the soil, and from a conviction of the benefit that would result from the establishment of a colony amongst the natives, towards whom his long residence amongst them had excited feelings of strong attachment, this deponent was desirous of becoming a settler in that country. That he conceived it would be becoming in him to obtain for this purpose the consent of his former employers, although there was no legal obligation on him to receive their sanction. That in the year 1814, he went in consequence to Fort William, with a view to obtain their approbation. That when at Fort William he addressed himself on the subject to William M'Gillivray, Esq. the head of the North-West company, through the intervention of Mr. John Haldane, one of the North-West partners, and offered to expend the whole amount of his earnings in their service, in the purchase of goods from them, with which he would return as a settler; and offered also to bind himself in the sum of one thousand pounds not to oppose their interest in trade, or to form any connexion with the Hudson's Bay company as traders; that this deponent received for answer, that Mr. M'Gillivray, as agent for the North-West company, could not consent to his return on those conditions, but offered him a settlement in the neighbourhood of York, in Upper Canada, in which he should have the full support of the North-West company; that this deponent had afterwards interviews with the said William M'Gillivray, at Fort William, in which the latter confirmed the statement and offers made through the intervention of the said Haldane, as before-mentioned; that this deponent was about the same time given to understand, by one of the clerks of the North-West company, that he had better agree to the propositions made to him; for, if he attempted to return to Red River, contrary to the inclination of his employers, he would be murdered on the way; and in consequence of this intimation, this deponent was induced to seem tacitly to acquiesce in the offers made to him, but without giving any express assent thereto. That this deponent afterwards, to wit, in the Summer of 1814, came down from Fort William to Montreal, without going to York, and was there offered encouragement by Thomas Thain, in the advance of goods on the part of the North-West company, which offers he rejected, and expressed his determination of proceeding to London. That thereupon the said Thomas Thain, who is one of the partners of the NorthWest company, solicited from this deponent a promise that he would not see the Earl of Selkirk, or any of the members of the Hudson's Bay company after his arrival in London, until the friends of the said Thomas Thain and of this deponent, should have previously met and consulted together; and that this deponent was induced to agree to the wishes of the said Thomas Thain in this particular. That after this agreement, and before this deponent had quitted Montreal, this deponent was informed by Donald M'Kenzie, Esq. now an agent of the North-West company, on the river Columbia, and brother to Roderick M'Kenzie, Esq. of

Oserrebonne, a partner in the North-West company, that it was the intention of the North-West company to seduce and inveigle away as many of the colonists and settlers at Red River as they could induce to join them; and after they should have thus diminished their means of defence, to raise the Indians of Lake Rouge, Fond du Lac and other places, to act and destroy the settlement; and that it was also their intention to bring the governor, Miles M'Donnell, down to Montreal as a prisoner, by way of degrading the authority under which the colony was established in the eyes of the natives of that country. That this deponent, impelled by a desire to serve the interests of humanity, and a wish to prevent the destruction of a colony, which he thought likely to become a useful as well as flourishing establishment, thereupon communicated the information he had received to Colin Robertson, an agent of the Hudson's Bay company, who was then in Montreal. That the said Colin Robertson in consequence provided this deponent with the means of going to Red River by Hudson's Bay, a circuitous route of 4,000 miles, which was chosen in order to avoid the risk of being intercepted by any of the North-West company. That the object of this deponent in thus renouncing his projected journey to England, and in travelling to Red River, was to apprize Governor Miles M'Donnell of the danger to which the settlement and himself were exposed, and to avert the evils with which they were menaced. That this deponent set out on his journey from Montreal on the 28th day of October 1814, but did not arrive at Red River before the 15th of April next ensuing, although he lost as little time as possible on the journey, which he was obliged to perform almost wholly upon snow shoes. That on reaching the settlement at Red River, this deponent found that a great part of the measures, which, as aforesaid, Donald M'Kenzie had informed this deponent it was the intention of the North-West company to adopt, had already been carried into execution; to wit, that many of the colonists had been seduced to join Duncan Cameron, a partner of the North-West company, to whose fort, in the vicinity of the settlement, they had retired, and to which place they had conveyed the cannons c. which they had plundered the colonial store. That the day following the arrival of this deponent, the Governor, Miles M'Donnell, was arrested by some of the servants of the North-West company; one of whom, in virtue of a warrant from Archibald Norman M'Leod, one of the partners of the said company, for *a breach of the peace*, declared to the said Miles M'Donnell, that he arrested him in the name of the King, and exhibited at the same time his warrant, but did not require the said Miles M'Donnell to follow him, or to attempt to enforce his pretended arrest. That shortly after, while Miles M' Donnell continued at large, Alexander M' Donnell, a partner of the North-West company, arrived at Red River from Qui Appelle, with several batteaux, and seven Indians, most of whom were chiefs of the Cree nation. That these Indians paid the said Miles M' Donnell a visit, and thereupon the said Miles M' Donnell caused some liquor to be set before them, as a mark of civility they would most value. That the said Indians declined tasting the liquor, and in consequence, the persons present, among whom this deponent was one, drank thereof in presence of the Indians, to remove the suspicions they could not but perceive the Indians had been wrought upon to entertain; that immediately after this, the Indians also drank, and said they had been told by those in the employ of the North-West company, that they would be presented with poisoned liquor, but that they had not given credit to the information, although they had not at first been willing to taste the liquor. That the Indians then inquired of the said Miles M' Donnell, what was his object at Red River; and when he informed them of his plans of establishing a colony, and cultivating the ground, they wished him success, and declared that they would not make war upon the settlers, although they intimated that they had been solicited so to do. That the said Miles offered to make the said Indians presents before they took leave of him; but they declined accepting them; stating, that if they received any thing from him, the North-West company would not give them the rewards they had promised them for coming at that time to Red River, which were to consist, they declared, in the presence of this deponent, of guns, liquor, and clothing. That on the morning of the departure of these Indians, almost all the plough horses belonging to the colony were killed, by being shot with arrows. That these acts were committed, as the deponent afterwards learned, from the acknowledgment of the perpetrators themselves, by the bois-brulés métifs, or half-breeds, in the service of the North-West company. That the persons designated by the appellations of bois-brulés métifs, or half-breeds, all which denominations have but one meaning, are illegitimate children of the partners and servants of the North-West company, chiefly by slave women taken prisoners in war by the natives of the country.

country, who have been purchased from the natives by the traders in that country; and that some of those who acknowledged to have been concerned in killing the horses, told the deponent, that they had chosen the morning of the departure of the Indians, with a view of inducing them, the settlers, to believe that it was the Indians who had destroyed the horses. That subsequent to this, the half-breeds in the service of the North-West company, drove away the European cattle belonging to the settlement, to an encampment at a place called Frog Plain, within the distance of three or four miles from the settlement, where Alexander M^c^ Donnell, one of the partners of the North-West company, had stationed himself with a large party of Canadian and half-breed servants of the North-West company, and whither he had caused to be conveyed two of the brass cannon, of which the colonial store had been plundered as aforesaid. That after this, Loughlin M^c^ Lean, a clerk of the North-West company, who had arrived from the Saskatchawine, with a party of half-breeds or bois-brulés, went from house to house amongst such of the settlers as the North-West company's agents had been enabled to seduce, obliging them to deliver up to him the arms which had been given them as militia men, from the colonial store. The said Loughlin M^c^ Lean also took with him some of the settlers, as prisoners, to the encampment at Frog Plain, where they were confined, and one was menaced with being delivered over to the half-breeds to be scourged. That after every mode of disuniting, harassing, and alarming the settlers had been resorted to, the servants, clerks, and others of the North-West company, came at divers times in large bodies to make attacks upon the government-house, the only place capable of any defence. That under cover of a wood, at a small distance of the government-house, they repeatedly fired off their guns against it; and during one of their attacks, three persons were wounded, one of whom, to wit, John Warren, died of his wounds; another of whom, to wit, Alexander M^c^ Lean, lost the use of his hand, and was afterwards murdered in the massacre of the following year; and the last of whom, to wit, Duncan M^c^ Donald, completely recovered, but was also murdered in the massacre of the ensuing year. That in fine, Alexander M^c^ Donnell, the North-West partner aforesaid, came with his party and cannon from Frog Plain aforesaid, and took possession of the house in which this deponent lived, as his head quarters, established an encampment near the government-house, and raised a battery against it within about 400 yards, on which he planted some artillery. That the governor, Miles M^c^Donnell, hoping, as he informed this deponent, if he delivered himself up to the North-West company, that they would treat the colonists with more humanity, because on various occasions they had declared that they would be satisfied and molest the settlers no more, after the said Miles should be in their power, came voluntarily forward, and delivered himself into their hands. That after the said Miles M^c^ Donnell had thus delivered himself up, the attacks upon the government-house were renewed by the party of North-West servants from Duncan Cameron's fort, and the inhabitants were fired upon, who thereupon finding that it would be to no purpose to endeavour to maintain their possessions against the force of the North-West company, were compelled to abandon the settlement, which they quitted about the end of June 1815, after having several of their houses burnt to the ground by their assailants, the remainder of which were subsequently burnt. That the Indians in the vicinity endeavoured to put a stop to the aggressions of the North-West company, and as this deponent was told by themselves, had requested those belonging to the North-West company to make peace with the settlers, for which endeavours and proposal they were ridiculed by the servants of North-West company, and were told by them to fight for the settlers if they chose. That they were assisted and protected by Indians in their retreat, as far as their assistance was required; and that upon departing from them at Lake Winnipic, two of the Indian chiefs made speeches to the settlers, in which they expressed their wishes that the colonists would come back in such numbers as to maintain themselves at their settlement, and added, that they, the Indians, would be at the same place about the time the young duck would begin to fly (meaning about the middle of summer,) and hoped to meet and assist the settlers on their return.

That this deponent proceeded from thence with the rest of the colonists to Jack River, in the Hudson's Bay territories, where the Hudson's Bay Company have a trading post, and where the colonists arrived early in July 1815. That Mr. Colin Robertson, a gentleman in the service of the Hudson's Bay company, arrived at Jack River with a large party of Canadians in the month of August following, and offered to take back to Red River, and to protect the colonists whom he found at Jack River; an offer which the said colonists, amongst whom was this deponent,

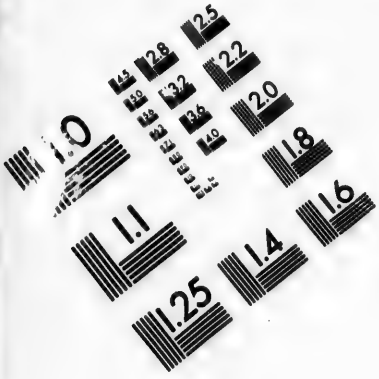
joyfully accepted. That the colonists in consequence returned, accompanied by the said Colin Robertson and about twenty of his men, to their fields at Red River; and that of the houses which were left standing at the time of their departure, all had been burnt during their absence, and that the greater part of the pickets and fences of the inclosed land had been also destroyed, together with the mill. That notwithstanding the injury that had been done to the grain by the enemy, a pretty good crop was harvested and secured; and in the month of March 1815, Mr. Alexander M$^{c}$ Donnell, the Sheriff of the settlement (whose name is the same as that of Alexander M$^{c}$ Donnell, the north-west partner) arrived at Red River, with a number of families, which, including servants, amounted to about 160 persons. That this deponent had been directed to go, and had gone, to a post called Fort Daer, in the plains in the Hudson's Bay territories, at the distance of about 90 miles from the settlement, for the purpose of providing provisions, which could be more readily procured there than at the settlement. That the said Sheriff M$^{c}$ Donnell came, with about 160 persons, shortly after to Fort Daer, in the vicinity of which Peter Pangman dit Bostonois, one of the leaders in the attacks made upon the colony the preceding Spring, with several others of the half-breeds concerned in those transactions, had established themselves by orders, as they informed this deponent, on the part of the North-West company. That this deponent endeavoured to conciliate the said half-breeds, and was successful, when they were removed from the influence of the partners of the North-West company, and had wrought so far on many of them in a short period during which that influence had not been exerted, that they requested this deponent to draw up a petition for them to the Catholic Bishop at Quebec, that a priest might be sent amongst them to give them religious instructions. That the said half-breeds declared that they had been misled by the representations of the partners of the North-West company to raise their hands against the colonists, for which they expressed their sorrow. That in the month of November 1815, this deponent received information that Alexander Fraser, a clerk of the North-West company at the river Qui Appelle, had ordered Mr. John M$^{c}$ Kay, of the Hudson's Bay company, to quit the Hudson's Bay post at that place, and had even pointed at his fort one of those pieces of artillery that had been taken from the colony the preceding Spring, with a threat, that unless he consented to leave the place in twenty-four hours, he would blow him and the fort to hell; and that the said Fraser, at the same time swore, that as long as he had a heart in his body, a colony should never be established in Red River. That about the same period, this deponent received a letter from Colin Robertson, intimating, that in consequence of the violent measures of the North-West company at Qui Appelle, and in consequence also of a speech of the aforesaid Duncan Cameron to the Indians, the tendency of which was, as the Indian interpreter Nolin several times informed this deponent, to advise the Indians to drive away the settlers, and to threaten them with the power of his medicine (to wit a ball which he had in his hand,) if they did not comply; he the said Colin Robertson had taken possession of the said Duncan Cameron's fort at Red River, and had also taken the said Duncan Cameron prisoner; and that the said Robertson found in the said Duncan Cameron's fort, two pieces of artillery, a number of muskets, and many other articles belonging to the colony; but that the said Colin Robertson, after this measure of self-defence, and after keeping possession of the fort for twenty-four hours, reinstated the said Duncan Cameron, under a promise that the said Duncan Cameron would for the future so conduct himself as not to endanger the lives of the settlers, or inveigle away the servants of the establishment. That in the course of the winter 1815 and 1816, this deponent and those who were with him, were much alarmed by reports that the North-West company were assembling at different posts in the north, numbers of the half-breeds, for the purpose of driving the settlers away, and that they were expected to arrive at the settlement early in the Spring; that the nearer the Spring approached, these reports became the more prevalent, and letters received from different posts confirmed them. That the hunters and those free Canadians who had supplied the settlers with provisions, were much terrified with the dread of the vengeance the North-West company might inflict upon them, for the support they had given the settlers. That the half-breeds, who had been stationed near Fort Daer, and had, during some time as aforesaid, appeared to be well inclined, and had got this deponent to write a petition for them as aforesaid to the Bishop of Quebec, began, about the time of these reports, to show a disposition towards violence, and threatened to shoot the horse of one of the hunters who supplied the settlers. That in the month of March

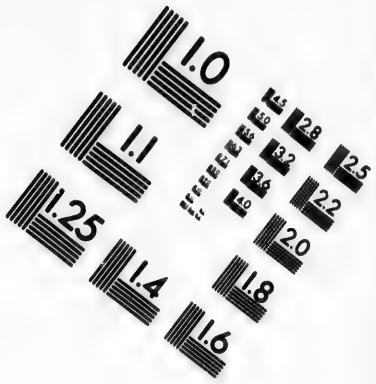
March 1816, Alexander Fraser, a half-breed, the same who has been already mentioned, as having threatened to blow up the post at Qui Appelle, belonging to the Hudson's Bay company, and one Hesse, also in the service of the North-West company, arrived at the post where the half-breeds were stationed, near Fort Daer, which excited uneasiness, as the said Fraser was known to be violent, and a leader of the half-breeds. That on his arrival, the said Fraser sent threatening messages to the principal hunter for the settlers, and exerted himself to alarm and seduce the servants and settlers, a report being at that time prevalent that a party of half-breeds were to be sent by the North-West company from Fort des Prairies, on the Saskatcheware river, as soon as the melting of the snow would admit of their travelling; and the language of every free Canadian to the settlers was, " Méfiez-vous bien, pour l'amour de Dieu mefiez-vous bien." About the same time, this deponent learned that the half-breed servants of the North-West company, who were in the plains, were ordered to assemble at the North-West company's post near Fort Daer, and did actually assemble there, which occasioned serious apprehensions for the safety of the settlers. That about the 19th of March 1816, Hugh M'Lean arrived from the settlement at Red River, with a letter from Colin Robertson to Mr. M'Donnell, the Sheriff, informing him, that in consequence of having discovered the plans of Duncan Cameron, he, the said Robertson, had taken the said Cameron prisoner, and possession of his fort. That in a few hours after the receipt of this letter, the said Sheriff M'Donnell proceeded, with two constables and several other persons, to the said North-West company's house, near Fort Daer, and arrested Messrs. Pangman, Fraser and Hesse, before-named. That the said Sheriff then requested the said Pangman to deliver the key of the store, which having received, the said Sheriff requested one of the North-West company's servants to open the door, and deliver to him the arms and ammunition it contained; which were conveyed with the prisoners to Fort Daer. That at Fort Daer an inventory was taken of the said warlike stores, in presence of the prisoners, and signed by several persons at Fort Daer; a copy of which inventory was offered to the said Pangman, which he refused to accept. That the said Sheriff M'Donnell then told the said Pangman, that self-defence, and the security of the lives of the settlers, obliged him to take the steps he had done; at the same time, the said Sheriff offered the said Pangman the key of the store, to the end that he might appoint any person, in whom he had confidence, to transact the business of the North-West company; and further said, that far from wishing to molest their trade, he would be ready to give it any protection in his power. That this offer was repeatedly made to the said Pangman, and as often rejected. That on the second day after their arrest, the said Pangman, Fraser and Hesse, were sent down as prisoners to Governor Semple, at the settlement at Red River. That about eight days after their arrest, the North-West company's servants at that post came to inform the persons at Fort Daer, that they were about to abandon the place. That previous to this, only the arms and ammunition had been taken from the North-West company's post, the securing of which had been considered necessary for the safety of the settlers; but as soon as it was ascertained that no one would remain in charge of the other property, it was brought over to Fort Daer, rather than it should remain exposed, in the absence of those to whose employers it belonged. An inventory of the said property had been taken very shortly after the arrest of the said Pangman, Fraser and Hesse, without, however, any intention of removing the same, if the servants of the North-West company had chosen to continue in the charge thereof. That the property so removed to Fort Daer was afterwards sent down to Governor Semple, at Fort Douglass, or the settlement at Red River, in virtue of a written order from the said Governor Semple to this deponent, stating, that in consequence of the North-West company having seized the property of the Hudson's Bay company, in Peace River, it would be necessary to hold something as a pledge for its restoration. That this deponent afterwards understood, that Governor Semple had caused the said Pangman, Fraser and Hesse, to be liberated, upon giving security to keep the peace, after they had expressed contrition for their past conduct. That this deponent, about the 26th April 1816, left Fort Daer, with the colonists and servants who had wintered there, and arrived at Fort Douglass, or the settlement at Red River, about the 30th day of April 1816; and that in the course of two or three days, the settlers were placed upon their respective lots of land from the fort downwards. That towards the latter end of May, the Governor informed this deponent, that he expected a large supply of pemican from Qui Appelle, as well for the supply of the settlement, as for the use of the Hudson's Bay company's traders. That the

pemican not arriving, the Governor, under some anxiety, sent a free Canadian to Brandon House, about half way between Qui Appelle and the Red River settlement, to obtain intelligence respecting it. That this messenger, after five or six days absence, returned, saying, he had been intercepted on the road by the North-West company's servants, and conducted to their establishment near Brandon House, where Governor Semple's letter was taken from him. He was then allowed to proceed by those who had plundered him; to wit, Mr. Fidler, of Brandon House, on condition of his bringing back no letter. That there the said Fidler informed the messenger, that the half-breeds had taken all the boats with pemican shortly after they had left Qui Appelle, and that all the officers and servants of the Hudson's Bay company, together with the boats of pemican, had been taken to the North-West company's fort at Qui Appelle, where Alexander M'Donnell commanded. That the intelligence brought by this messenger was some time afterwards confirmed by the arrival of some of the servants who had been taken to Alexander M'Donnell's fort at Qui Appelle, with the boats and pemican, and had been liberated upon giving an engagement not to take up arms against the North-West company. That the same servants, and Sutherland, who commanded at the Hudson's Bay post at Qui Appelle, related, that the half-breeds in service of the North-West company were continually vowing the destruction of the colony, and that the said North-West partner, Alexander M'Donnell, declared, that the half-breeds and the North-West company were one, and that the half-breeds were his light troops.

That such was the impression made upon the minds of the free Canadians by this intelligence, that they departed from the neighbourhood of the Red River settlement, and went to the plains, and some of them to whom the colony was indebted for services rendered, after stating that they were persuaded that the colonists would be expelled, requested governor Semple to secure them the payment of what was due, in case such an event should happen, which he did, by giving them promissory notes, payable either in Red River, at York factory, or at Montreal. That about the 16th June 1816, an Indian, named Mistouche (who had been brought up amongst white people) arrived, and told that he had made his escape from the half-breeds, who were then encamped at Portage des Prairies (two days journey above Fort Douglass, on the Red River settlement,) and would assuredly, in a day or two, attack us at the settlement. That as soon as the Indians in the vicinity heard of this, two of their chiefs came and held a council with the Governor, Semple, saying they were come to take their father's advice, and desiring to know from him how they were to act. That they were certain he would be attacked, and if he wanted their assistance, they and their young men would be ready to defend him. That the said Semple desired that the Indians would not interfere. After which, the said two chiefs, one of whom was of Lac Rouge, and the other of the Red River, retired; and this deponent going out of the room in which the council was held, shortly after them, found them uttering the most bitter lamentations and expressions of grief at the Governor's having rejected their assistance. That the next morning the said Indian chiefs came again to Governor Semple, and said that they were fearful he and the colonists would be expelled, and that in consequence they should be made miserable; they therefore requested him, lest such an event should happen, to give them some ammunition for the support of their families. That the said Governor replied, that he did not fear these people (meaning those who were reported as coming) at all, but as nothing was certain in this life, he should order them a sufficiency of ammunition for the support of their families during the Summer. That a few of the free Canadians, who had lingered in the neighbourhood, likewise offered the Governor to take part with him, but he declined their services also, not wishing, in case the North-West company's servants should attempt to destroy the colony, that the said Canadians should fight against their countrymen. That on the evening of the 19th June, a man in the watch-house at Fort Douglass, called out that the half-breeds were coming. That the Governor, this deponent and some others, looked through spy-glasses, and this deponent distinctly saw some armed people on horseback passing along the plains; that having laid their spy-glasses down for a moment to converse on the subject, a person from the watch-house called out, they (meaning the horsemen) are making for the settlers; on which, by a sudden and common impulse, and without any order, every one laid hold of his arms, and thereupon the Governor said, "We "must go and meet these people, let 20 men follow me." That there was at that time in Fort Douglass between sixty and seventy men; that no orders were given by the said Semple to any persons individually to follow him, but about 26, among whom was this

this deponent, immediately accompanied him; and he was so much beloved, that every person at the fort would willingly have gone, had he not limited the number of those who were to follow him. That the Governor and his party proceeded by the road leading down the settlement, in the rear of the settlement, the habitations of the settlers being between the said road and the river. That as they were going along, they met many of the settlers running in great terror to the fort, crying out, the half-breeds! the half breeds! and that they saw others running from different quarters towards the said fort. That when the said Governor and his party were advanced about three-quarters of a mile along the settlement, they saw some people on horseback behind a point of woods; that on their nearer approach, the party seemed more numerous than it had appeared before, on which the Governor made a halt, and ordered John Burke, the colonial store-keeper, to return to Fort Douglass for a piece of cannon, which delaying to arrive, he directed his party to advance in the same road leading along the settlement, into which avenues led from the settlers dwellings. That they had proceeded but a short distance farther, when the entire body of half-breeds and Canadian servants of the North-West company (of whom they had before seen only a small part) on horseback, the half-breed servants, with their faces hideously painted, and in the dresses of Indian warriors, came forward. That as they advanced with far superior numbers, and on horseback, this deponent was convinced, as all the rest of his party seemed to be, that they were in great danger. That in consequence, the Governor's party, by common impulse, but without any express directions, began to retreat, walking backwards, at the same time extending their line, which had before been only an Indian file in pathway of the road, so as to present a larger front to the horsemen. That the horsemen, notwithstanding they saw the said Governor's party draw back, still continued to advance on them at a hard gallop, and surrounded them in the form of a half-moon. Almost immediately after a Canadian, named Bouché, rode up to them waving his hand, and calling out in a most insolent tone, "What do you want?" The Governor replied, "What do you want?" to which Bouché answered, "We want our fort." The governor said, "Go to your fort." They were by this time near each other, and did not speak loud enough for this deponent, who was at a little distance, to hear; that this deponent shortly after saw the governor take hold of Bouché's gun, and almost immediately a general discharge of fire-arms took place, but on which side it commenced, this deponent could not distinguish, his attention being directed towards his personal defence; that in a few minutes, almost all the governor's party were either killed or wounded. Captain Rogers, R. E. having fallen, rose up again, and came towards this deponent, when not seeing any other of the party who was not killed or wounded, this deponent called out to him, "For God's sake give yourself up;" he ran towards the enemy for that purpose, raising up his hands, and in English and broken French, called out for mercy. That thereupon, a half breed by the name of Thomas M'Kay, well educated, a clerk of the North-West company, and son of Alexander M'Kay, shot him through the head, and another cut open his body with a knife. That fortunately for this deponent, a Canadian named Lavigne, joining his entreaties to the deponent's, saved the deponent's life, although with the greatest difficulty, and after having received some severe blows in the deponent's defence. That the said Governor Semple did not, as this deponent believes, give any orders to his party to fire, but on the contrary, when upon the advance of the horsemen, one of the party said they must fire to keep the horsemen off, the Governor reproved him with great severity. That this deponent was, after the massacre, conveyed under the guard of two Canadian servants of the North-West company, to wit, one Morin dit Verrault, and one Magean, to Frog Plain, where those concerned in the massacre had fixed their head-quarters. That on the way to Frog Plain, this deponent offered to the said Morin, 1,000 livres, if he would allow this deponent to swim over the river, and go back to Fort Douglass, as he expected to be murdered at Frog Plain; which the said Morin refused, telling the deponent, that he, the deponent well knew that if he did so, he the said Morin would be punished by his employers. That when arrived at Frog Plain, this deponent saw there as prisoners, Alexander Murray and his wife, two of William Bonnerman's children, and Alexander Sutherland, settlers, and likewise Anthony M'Donnell, a servant; these persons having been taken prisoners before the massacre. That, with the exception of this deponent, no quarter was given to any, although two or three, as this deponent understood, escaped by flight at the commencement of the firing. That few of Governor Semple's men were killed outright, though they were generally wounded by the discharge of the musquetry; but the horsemen galloped upon them, and barbarously terminated their existence, although

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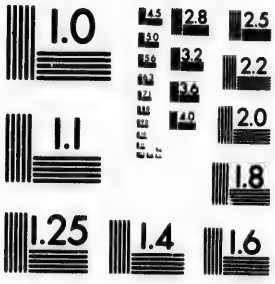


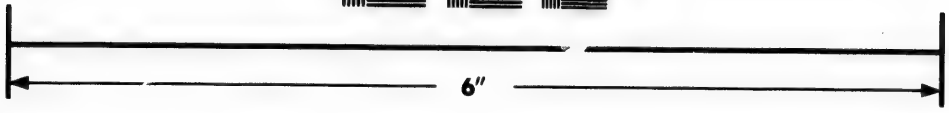


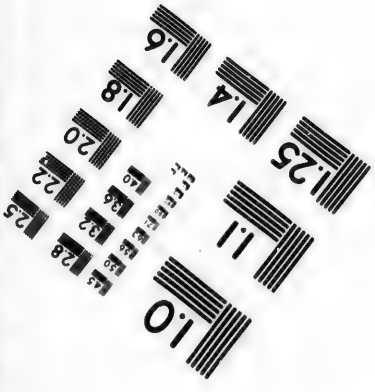


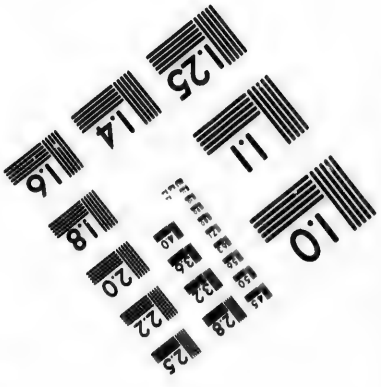


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many seemed not to be mortally wounded. That while they were conveying the deponent away, several of those who were only wounded, called to this deponent for God's sake to come to their assistance; and several of the half-breeds afterwards told him, that they had completely dispatched those who were only wounded. That Governor Semple, as Cuthbert Grant, a clerk of the North-West company, and the commander in chief of their forces, on this occasion (there being several other subordinate commanders,) himself informed this deponent, was not immediately killed, but was wounded by a shot from Grant himself, and lying on the ground, his thigh being broken, addressed the said commander by inquiring if he was Mr. Grant; and being answered in the affirmative, said, "I am not mortally wounded, and if you could get "me conveyed to the fort, I think I should live." That the said Grant promised to do so, and then left him in the care of a Canadian; but that the said Governor was afterwards shot through the breast by an Indian, who as the said Grant also told this deponent, was the only Indian they had amongst them. That amongst the subordinate commanders of the North-West force on this occasion, were the aforesaid Alexander Fraser, one Bomassa, Antoine Hoole, Thomas M$^{c}$ Kay, one Priman, and La Serpe, all of them clerks and interpreters in the service of the North-West company; all of whom except Hoole, had been educated in Lower Canada, as this deponent was informed. That the most violent were generally those who had been sent to Red River by the North-West company, from the greatest distance. That amongst the Canadian servants of the North-West company known to this deponent, whom he saw on the field at the time of the massacre, were one Deschamps an interpreter, Joseph Hupé, Morin dit Verrault, Lavigne, Bouché, and Mageau. That twenty-one of Governor Semple's party were killed, to wit, the Governor, captain Rogers, R. E., Mr. James White, surgeon, Mr. Alexander M$^{c}$ Lean, settler, Mr. J. P. Wilkinson, private secretary to the Governor, and Lieutenant Holt, of the Swedish navy, and fifteen servants. That the North-West forces on this occasion, as the said Grant informed this deponent, were about 62 persons; and that the said Grant, in many conversations which he had with this deponent, always spoke of what had been done, as having been done on behalf of the North-West company, and not for any other cause. That the said Grant also informed this deponent, that they had not expected to have fought the Governor on that day, for in that case they would have allowed him to pass some part of the woods, before they had shown themselves in force, and would then have run the Governor's party, like buffaloes in the plains, so that not one would have escaped. That this deponent then inquired of the said Grant, in what mode he expected to have proceeded, to which the said Grant replied, that it was their intention to have laid in ambush about the fort, and to have deprived the settlers of the means of subsistence from the river, and from the resources of the country, and to have compelled them to surrender by starving them. The destruction of the colony being the sole and undisguised object at that time in view. That of the North-West company's party, one man was killed and one wounded. That on the evening following the massacre, when this deponent was a prisoner at Frog Plain, the said Grant told him that an attack would that night be made upon the fort, and if the people fired a single shot, a general massacre would ensue. "You see," added the said Grant, "the little quarter we have shown you, and now if any further resist-"ance is made, neither man, woman, or child shall be spared." That this deponent foreseeing the inevitable destruction of the poor settlers, unless the greatest precaution should be taken, asked the said Grant if there were any means by which the lives of the poor women and children could be saved, and intreated him in the name of his deceased father, whose countrywomen they were, to take pity and spare them. That he then said, if the colonists would give up all public property, they should be allowed to depart in peace, and that he the said Grant, would give the colonists a safe escort, until they had passed the North-West company's tract in Lake Winnipic, which he said was necessary to protect the colonists from two other parties of half breeds, that were momentarily expected to come up the river; one of which, he said, was commanded by Mr. William Shaw, son of Angus Shaw, Esq. and the other by Simon M$^{c}$ Gillivray, son of the Honourable William M$^{c}$ Gillivray. That this deponent desired leave to carry this proposal to Mr. Alexander M$^{c}$ Donnell, the Sheriff of the settlement, which, after some difficulty, was granted, on this deponent's solemn promise to deliver himself again into their hands, this deponent being previously told, "to take great care how he acted; that he well "knew it was impossible for him to make his escape, and that if he forfeited his word, "he should be tortured to death in the most cruel manner." That in consequence

of

of this permission, this deponent went to Fort Douglass, and there witnessed a scene of unparallelled distress, the widows, children and relations of the slain being in a perfect agony, lamenting the dead, and despairing for the lives of those who yet survived. That when this deponent was allowed to leave the Frog Plain, it was late at night, and after having made three journies to and from the Frog Plain, the Sheriff M$^{c}$ Donnell and the half-breed chief came to an agreement upon terms in substance as before mentioned. That on the following day a kind of capitulation was drawn up, and signed by the said Grant, Fraser, Bomassa and Hoole, and an inventory of the property was subsequently taken, and the whole was then delivered up to the said Cuthbert Grant, for the use of the North-West company, each sheet of the inventory being signed as nearly as this deponent can recollect, as follows:— "Received on account of the North-West company, by me Cuthbert Grant, clerk "for the North-West company, acting for the North-West company." That upon learning the determination of the North-West company to destroy the colony, it had been the intention of the Governor, as he declared to this deponent, to have secured the settlers in Fort Douglass, until the apprehension of danger should be over, but as Mr. Sutherland and his party had been, by the orders of Alexander M$^{c}$ Donnell, the North-West partner, plundered of the pemican they were conveying to the settlement from Qui Appelle, Governor Semple had not the means of subsisting the settlers at the fort, in consequence of which the settlers, notwithstanding the anticipated danger, remained at their habitations, to the end that they might procure provisions for themselves and families from the river. That the settlers had however received directions to betake themselves to the fort, immediately upon the approach of any hostile force; and that when the Governor left the fort with his party, after having seen horsemen approaching the settlement on the 19th of June, it was done under ignorance of the great force of the North-West company's servants, and with a view of preventing mischief, and of enabling the settlers to retire to the fort, if necessary, before they were attacked. That the governor, at the place where he and his party were surrounded and cut off, had not reached more than about half the length to which the settlement extended. That in two days after the capitulation, the settlers were ready to embark; at which time the said Grant came and said he could not allow them to proceed, as Mr. Alexander M$^{c}$ Donnell, the partner of the North-West company, had sent an order from Portage des Prairies for their detention until his arrival. That this intelligence gave the settlers new and increased alarm, as they were without arms, surrounded by the murderers of their relations and friends, and in momentary fear of violence being offered to their wives and daughters, which it was commonly reported would take place, and to prevent which, this deponent the day before, at the solicitation of the settlers, had been obliged to claim the protection of Messrs. Grant and Fraser aforesaid, who promised in consequence to sleep in the fort themselves, or to send such men as could be depended upon, as a safeguard. That this deponent repeatedly but ineffectually intreated the said Grant to allow them to depart from Red River, in conformity to his promise, and not to detain them till the arrival of the said M$^{c}$ Donnell of the North-West company. That at last, upon Mr. Sheriff M$^{c}$ Donnell observing, that he perceived plainly that Mr. Alexander M$^{c}$ Donnell wished to defraud Grant of the honour of the day, and to claim all the glory to himself, the pride of the said Grant was hurt, and he declared in an intemperate manner, that he would keep his word, in spite of the said Alexander M$^{c}$ Donnell, and desired us to depart immediately, without waiting for the escort, which he would send after in a light canoe. That this deponent and the settlers immediately embarked on board the boats, and pushed off. That previous to the embarkation, this deponent received a protection from the said Grant, as follows:—

"This is to certify, that Mr. John Pritchard has behaved honourably to the "North-West company. (Signed) "*Cuthbert Grant*,
"Clerk to the North-West Company."

That Mr. Sheriff M'Donnell had also a letter of protection, which was addressed, as far as this deponent can recollect, to Mr. William Shaw. That on the second day after their departure from Red River, this deponent and the rest of the settlers were met, and compelled to stop, by a brigade of several light canoes and a batteau, in which were Archibald Norman M'Leod, Esq. a partner of the North-West company, of the house of M'Tavish, M'Gillivray & Company, and Justice of the Peace for the Indian territories, together also with a number of his partners, and two officers late of De Meuron's regiment. That this deponent, immediately after

they met, heard one of the said M'Leod's party, to wit, Mr. James Hughes, a partner of the North-West company, call out, "where is that fellow, Semple;" to which Mr. Sheriff M'Donell answered, "he is dead;" other names were then called, as well as this deponent's own, to which he answered, and was then ordered on shore. That the boats conveying the settlers were detained by the said M'Leod at Rivière aux Morts, a little beyond the place where they had been stopped, for a couple of days, and then allowed to depart, after the said M'Leod had taken from them as prisoners this deponent, Michael Heden, John Burke, Patrick Corcoran and Donald M'Kay. That here also this deponent saw the said William Shaw and his party of half-breeds, of whom the said Cuthbert Grant had spoken as before-mentioned, and against whose violence the said Grant's protection had been intended to secure the settlers. That this deponent was then put into a tent, and guarded by serjeant Reinhard and another serjeant, both late of De Meuron's regiment, and in the full uniform of colour sergeants. That one of the said serjeants told this deponent that they were no longer belonging to the said regiment, but were clerks in the service of the North-West company, but that he, this deponent, must keep that a secret; by which this deponent understood, that the object of their employers was to induce the Indians and people of the country to believe that these serjeants were still in the King's service, and that the North-West company had the sanction of Government for their proceedings; a belief into which this deponent himself was at times almost misled, from seeing the said serjeants, some privates, and two officers in the English uniform, amongst the North-West company's people. That the said M'Leod called this deponent before him while at Rivière aux Morts, and examined him in the presence of Messrs. Leith, M'Lellan & M'Murray, his partners. That Mr. Leith then put into this deponent's hand a written note, stating, that if this deponent gave information he should not be prosecuted, as principals could not be admitted as evidences. That this deponent then told the said M'Leod that he did not wish to hide any thing. That this deponent, with the said Burke, Corcoran, Heden and M'Kay, were kept at the said Rivière aux Morts, during the space of about five days, under a guard of armed men, and treated with the greatest indignity, being frequently removed from their tent, apparently with the view of exposing them to the contempt of the surrounding spectators, consisting of Indians brought in the party of the said M'Leod, of half-breeds and Canadians. That while at Rivière aux Morts, this deponent saw some of the Indians of Red River, who by stealth would squeeze the prisoner by the hand, and gave other indications of continued affection and feeling for their distressed situation. That the said M'Leod was for a few days absent from Rivière aux Morts, while this deponent was confined there, having, as it was stated by those whom he left behind, gone on to Red River, to make arrangements with the half-breeds there. That upon the return of the said M'Leod to Rivière aux Morts, this deponent and his fellow-prisoners were conveyed from thence to Bas de la Rivière Winnipic, on board a canoe, in which was Mr. Corcoran, a clerk, and the before-mentioned serjeant Reinhard; the other prisoners were in a batteau, and guarded by Primau, one of the most violent of the half-breeds concerned in the massacre, and whom this deponent had with difficulty prevented from murdering the said John Burke, while he was in bed. That in the North-west fort at Bas de la Rivière, this deponent and his fellow-prisoners were confined in a house guarded by a centinel on the outside, and the said serjeant Reinhard within; and that it very frequently happened, that some of the half-breeds who had been concerned in the massacre were admitted into the house, and were paraded about there. That the prisoners were detained at Bas de la Rivière till about the 10th of July; and while there, upon intelligence being brought that Miles M'Donnell (the person who had been first at Red River, in the capacity of Governor) was coming on from Canada, some cannon of which the colony had been deprived by the North-West company, was planted there, under the superintendence of serjeant Reinhard, by orders of Archibald M'Lellan, a partner of the North-West, so as to command the navigation of the river. That at the same place a party of the half-breeds put irons upon the hands of the said John Burke, saying they did that of their own accord, as a punishment for his treatment of Mr. Duncan Cameron, of the North-West company, who had been sent prisoner to England. That the said M'Leod, the magistrate, and several of his partners, were then in the fort, without whose sanction this act of the half-breeds would scarcely have been committed, and whose cruelty was much aggravated by the said Burke being thereby disabled from dressing a wound which he had received at Red River, and was still in a bad state. That about the 10th of July the said Burke and the other prisoners were embarked on board different canoes, destined

destined for Fort William; and two days afterwards this deponent was embarked with Mr. Simon Fraser, a partner of the North-West company, Mr. Charles Grant, a clerk, and the said Fraser, the half-breed chief, also a clerk of the North-West company, who had been one of the commanders at the massacre. That the said Fraser, the half-breed chief, always sat between the said last-mentioned partner and clerk, and messed with them as long as they remained together. That the said half-breed, Fraser, was this deponent's guard, as far as the said Fraser went with him from Bas de la Rivière, and was armed with a gun, sword and pistols, and kept close to the deponent in the carrying places, and slept with him at night. That on the second or third day from Bas de la Rivière they were met by Mr. Daniel M'Kenzie, who said he was going to Red River, and that the said Fraser, the half-breed chief, embarked with him at Lac la Pluie, to return to Red River. That on the 22d of July this deponent arrived at Fort William, where he was shown to a room, to which he was at first ordered to confine himself. That the Honourable William M'Gillivray was at Fort William at the time of this deponent's arrival, and was considered to have the principal management and direction of affairs there.

That the Red River country is the most delightful this deponent has ever visited; that the soil is fertile beyond any he has ever seen, and the climate so healthy, that during his whole residence there, he never knew any person to have a fever, or to be troubled with any sickness which did not arise from casualties. That the waters swarm with fish of the choicest and most exquisite kinds, which may be caught in abundance at all seasons of the year. That wild fowls are found in amazing numbers. That the country abounds with wild cattle, such as the elk, deer of various descriptions, and the buffaloe, insomuch that this deponent hath often seen the plains to the extent of many miles, covered with herds of these animals, which are often destroyed out of mere wantonness; and of which still more frequently only a small part is consumed. That this deponent hath himself, at his post, after having during the winter, consumed a great number of the tongues of these wild cattle, salted upwards of seven hundred of them in the Spring. That the price paid to an Indian for a buffaloe, is generally a fathom, that is, about three-fourths of a pound of tobacco, or two horn combs, or a couple of knives, or twenty charges of powder and ball, or two feet of strouds. That the horses, which are numerous there, find their food during the winter as well as the summer, in the plains, where such is the luxuriant growth of the grass, that in many places it is never entirely covered with the snow. That through these delightful plains, the traveller might go towards the South or the West on horseback or in his carriage, although there are no roads, many days journey without encountering any other obstacle to his progress, than occasionally meeting a stream, which it would not be difficult for him to traverse. That amongst the other natural advantages of the country, the coal mines and salt springs, which are numerous, may be considered some of the greatest. That were a colony once permanently established at Red River, as far as the natural advantages of a country can contribute to its advancement, its progress in improvement would promise to be more rapid than that of any country hitherto colonized. That the goods imported there from England by Hudson's Bay, would produce an ample profit, if sold at no higher price than they bring at Kingston, in Upper Canada; and that in consequence of the length and difficulty of the transportation from Canada or the United States, the goods brought from thence are sold at Red River for three or four times the amount at which the same articles are sold when imported from England through Hudson's Bay. That this deponent hath always conceived this to be the reason of the hostility manifested by the North-West company against the establishment of a colony in that quarter, either by the grantees of the Hudson's Bay company, or by any others, although the Indians are desirous of it; because until a colony shall be established there, the great number of servants employed by the North-West company will enable them to keep out of the country all traders, and all supplies except their own, whereas after the establishment of a settlement, the supplies not raised in the country itself, must of necessity be brought immediately from England, and not through Canada; and a liberal trade would thereupon be the consequence, to the great benefit of the Indians.

(Signed) *John Pritchard.*

Sworn at the city of Montreal, this 18th day of February 1817, before me,

(Signed) John Fletcher.

584. Copy

No. 21.

Copy of a Dispatch from Lieut. General Sir John C. Sherbrooke, G.C.B. to the Earl Bathurst, K. G.; dated Quebec, 23d April 1817:—One Inclosure.

My Lord, Quebec, 23d April, 1817.

I have had the honour of receiving your Lordship's dispatch, No. 64, conveying directions for removing to England the persons accused and arrested by Lord Selkirk, in order to their trial there.

Many difficulties arising, of which your Lordship could not have been aware, to prevent the execution of these instructions, I took the advice of the executive council, of whose report I have the honour to inclose your Lordship a copy.

The legal impediments therein set forth are such, that I shall not attempt to carry your Lordship's directions into effect, until I shall be honoured with your answer on the subject, unless I shall in the mean time receive some further communication from your Lordship that shall remove the obstacles at present existing, and which, as I humbly conceive, can only be got over through the interposition of the Imperial Parliament.

The parties accused could not at all events be tried here before the next criminal term at Montreal, which will be in the first ten days of September; and I shall therefore hope to receive your Lordship's further commands before that period comes round.

I beg leave also to point out to your Lordship, the necessity of my receiving your instructions, as to the mode and means of defraying the expense of removing these persons to England, in case that measure be finally carried into effect.

I have, &c.

The Earl Bathurst, &c. &c. &c. (Signed) *J. C. Sherbrooke.*

Inclosure (1) in Sir J. C. Sherbrooke's, of 23d April 1817.

To his Excellency Sir John Cope Sherbrooke, G. C. B. Captain General and Governor in Chief of the Province of Lower Canada, &c. &c. &c.

Report of a Committee of the Council; present, the Honourable the Chief Justice in the Chair, Mr. Irvine, Mr. Duchesnay, Mr. Perceval, Mr. Perrault and Mr. Coltman.

May it please your Excellency,

The committee, in obedience to your Excellency's commands, have proceeded to the consideration of the papers respecting the Hudson's Bay and North-West companies, referred to them yesterday in council.

The dispatch of Earl Bathurst (No. 64, of the 17th January last) appears to relate exclusively to the partners of the North-West company who were seized by Lord Selkirk at Fort William, and the directions "to send the persons concerned "to England for trial," seem to be confined to those gentlemen. The introductory part of this dispatch refers to "the arrest of certain members of the North-West "company on a charge of murder." The orders of the Prince Regent, which it conveys to Lord Selkirk, are "to proceed to England with the necessary evidence, "to make good the charges which *he* has brought *against the individuals above men-* "*tioned*;" and the conclusion relates to certain measures which are to be pursued "if the trial should have taken place;" and "if it should appear by the minutes "that there was no evidence against the parties accused, calculated to raise so "violent a suspicion of their guilt, as to account for the strong measures which "*his Lordship thought proper to adopt for their apprehension.*" To those partners of the North West company therefore, viz. William M^c^ Gillivray, Kenneth M^c^ Kenzie (now dead), Simon Fraser, Hugh M^c^ Gillis, John M^c^ Donald, John M^c^ Loughlan, Allan M^c^ Donnell, and Alexander M^c^ Kenzie, and to the offences which they are charged to have committed in the Indian territories, the observations of the committee are restricted.

It is first to be observed, that the charge against these partners of the North-West company, is not as principals, but as accessaries to murder committed in the Indian territories, and that they also stand charged with high treason committed also in the Indian territory.

The committee are aware of the provisions of the Acts 33 Henry 8, chap. 23, and 35 Henry 8, chap. 2. under which murders and treasons committed without the

the realm of England, may undoubtedly be tried in England; yet, though it should be admitted, that with respect to colonies and dependencies of the Crown of England which are under its legislative control, all treasons and murders therein committed are triable in England, although such colonies may have some special laws of their own applicable to the perpetrators of such crimes, and jurisdiction for their trials, on which the committee however do not presume to offer an opinion. Still, the committee conceive, that doubts may well be entertained whether, under the British statute 43 Geo. 3, cap. 138, the jurisdiction given by the above-mentioned statutes of the 33d and 35th Henry 8th has not been suspended with respect to Canada, so far as crimes committed in the Indian territories are concerned. Before the passing of that Act (the 43d Geo. 3,) it had been enacted by the 11th, 12th, 13th and 14th sections of the provincial ordinance, 24 Geo. 3, cap. 1, referred to by your Excellency's minute in council, "That no subject of His Majesty, being "an inhabitant or resident in the province, should be sent prisoner, or transported "into any place beyond seas, within or without the dominions of His Majesty, "except persons transported for crimes after conviction in the province, and per-"sons who having committed any capital offence in Great Britain, or in some other "colony, may be sent thither for trial." This ordinance to ensure the protection of the subject, gives an action against every person who shall act or advise any measure contrary to its provisions, in which the damages shall not be less than £. 500, with treble costs. The statute of the 43 Geo. 3, cap. 138, has enacted, not "only that all offences committed in the Indian territories shall be and be deemed to "be offences of the same nature, *and shall be tried in the same manner*, and be subject "to the same punishment, as if the same had been committed within the provinces of "Lower or Upper Canada;" but has also enacted, that "every offender guilty of "any such offence, may and shall be prosecuted and tried in the courts of the province "of Lower Canada, or in Upper Canada, if the Governor of Lower Canada shall "by an instrument under the seal of that province, declare that justice may more con-"veniently be administered in relation to such offence in the province of Upper "Canada, from any of the circumstances of such offence, or the local situation of "any of the witnesses."

Notwithstanding therefore, that the statutes of the 33d and 35th of Hen. 8, may be in force in the Canadas, in their general application, yet as this statute of the 43d Geo. 3d, as respects their trial, must be taken as a statute in favour of the subject charged with crimes committed in that remote and almost inaccessible country known by the name of the Indian territory, it is entitled to a liberal construction; and the cases of persons so charged may become exceptions to the general *rule*, and the provincial ordinances be held to be confirmed by it.

The committee have been led more particularly into these observations, from the peculiar circumstances of the very cases now under consideration, and from an intimate conviction, that it will not be in the power of the parties, from the very distant situation of the Indian territories, the wild character of their inhabitants, and the difficulties of the communication, to carry home to England the witnesses, which will be indispensably required for the prosecution and for the defence.

The committee beg leave to add, that no bills of indictment have hitherto been presented against the partners of the North-West company now in custody, for the offences with which they are charged; that there are now before your Excellency, petitions from all the persons concerned in the late transactions in the Indian territories, as members or servants of the North-West company, who have been arrested and brought into this province, praying that the charges against them, by reason of the great difficulties which they must encounter in their attempt to bring their witnesses down to Lower Canada, may be heard and determined in Upper Canada.

The committee upon the whole are humbly of opinion, that it will be advisable to suspend the execution of the orders contained in Earl Bathurst's dispatch to your Excellency (No. 64,) until the matters here stated shall have been submitted to his Lordship's consideration.

All which is respectfully submitted to your Excellency's wisdom.

Executive Council Chamber,
Quebec, 22d April 1817.

By order,
(Signed) *J. Sewell*, Chairman.

No. 22.

Copy of a Dispatch from Lieut.-General Sir John C. Sherbrooke, G. C. B. to the Earl Bathurst, K. G.; dated Quebec, 5th May 1817.

My Lord, Quebec, 5th May 1817.

I HAVE the honour to acknowledge the receipt of your Lordship's dispatches, from No. 66 to No. 70, inclusive; and also of your Lordship's private letters of the 7th and 11th of February.

In obedience to the commands conveyed in your Lordship's dispatch, No. 69, I have issued a proclamation in the name of His Royal Highness the Prince Regent, calling on the contending companies of the North-West and Hudson's Bay, and their servants and adherents, to abstain from all further acts of hostility; to restore mutually the places and property captured from each other during their recent disputes, and to remove all blockade or other obstruction interposed by them, to the freedom of trade and intercourse with the Indians, until the questions at issue between them be brought to a legal decision.

For the purpose of carrying this proclamation into effect, I have again dispatched the special commissioners appointed by me last Autumn to the Indian territories; and I have addressed a letter to Lord Selkirk, apprizing him of the general purport of the instructions I have received, and of my determination to carry them strictly into effect.

The offence charged against his Lordship, of having resisted the execution of legal process, being alleged to have been committed at Fort William in Upper Canada, your Lordship will see that the instructions conveyed to me in your dispatch, No. 70, can only be executed in that province by the finding an indictment *there* against his Lordship; and I have accordingly transmitted a copy of your Lordship's dispatch to Lieutenant Governor Gore, who will, no doubt, act up to the directions it contains.

I have authorized the commissioners to obtain from Drummond's Island a military force, in case, on their arrival at Fort William, they shall find such assistance necessary to support their authority and that of the laws; but I have cautioned them against the use of it in any case but that of actual resistance to the civil power, or to the execution of the commands of His Royal Highness the Prince Regent, as made known by the proclamation.

It has given me much gratification to learn your Lordship's decided opinion, that the powers of the commissioners as magistrates for the Indian territories, extend equally to the country claimed by the Hudson's Bay company; and it will be satisfactory to your Lordship to know, that their commissions as magistrates have been carefully worded, exactly in the terms of the section of the 43d of the King, to which, in your private letter of the 11th February, you have particularly directed my attention. I have the honour to be, &c.

The Right Honourable (Signed) *J. C. Sherbrooke.*
the Earl Bathurst, &c. &c. &c.

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No. 23.

Copy of a Dispatch from the Earl Bathurst, K. G. to Lieut. General Sir J. C. Sherbrooke, G. C. B.; dated 13th May 1817:—Two Inclosures.

Sir, Downing-street, 13th May 1817.

I HAVE the honour to transmit to you the copy of a letter which I have received from the Governor of the Hudson's Bay company, inclosing an instruction issued by the company to their governors and officers in North America, to lend their assistance to the commissioners whom you have appointed to proceed to the Indian country.

Although the commissioners appointed, as I trust they have been, agreeably to the provisions of the Act 43d Geo. III, cap. 138, would have without any such instruction ample authority to act within the limits of the territory claimed by the Hudson's Bay company; yet as I am anxious to secure not only the obedience, but the cordial co-operation of those who act under the authority of the company, I have thought it expedient to transmit this communication, to be used in any case in which you may consider it expedient to resort to it. I have the honour to be, &c.

Lieut.-Governor, (Signed) *Bathurst.*
Sir J. C. Sherbrooke, G. C. B.

My Lord, Hudson's Bay House, 1st May 1817.

Inclosure (1) in Earl Bathurst's, of 13th May 1817.

I have the honour to transmit to your Lordship, a copy of an order which the directors of the Hudson's Bay company have thought it right to issue to their Governor and others in their service, in consequence of the commission which has been appointed by his Excellency Sir John Sherbrooke, to inquire into the various acts of violence and outrage which have occurred in the country on the Red River.

The directors of the Hudson's Bay company consider (as they are advised by counsel) that the Crown has vested the sole jurisdiction within the limits of their charter, in the Governors and their counsel, as appointed by the Hudson's Bay company. But being most anxious to promote that investigation and inquiry which is the object of the commission, they have thought it right to issue the inclosed order to their Governors, to obviate the difficulty which would arise from a doubt as to the power and authority of the commissioners, when they came to act within the limits of the Hudson's Bay charter.

This order will be sent to Hudson's Bay by the ships now about to be dispatched, and I take the liberty of suggesting to your Lordship, the expediency of furnishing the commissioners with a copy of the same. I have, &c.

The Earl Bathurst, K. G. &c. &c. &c. (Signed) *Joseph Berens*, Gov^r.

Inclosure (2) in Earl Bathurst's, of 13th May 1817.

To all Governors and others, having authority within the Territory of the Hudson's Bay Company.

Whereas it has been represented to us, that a commission has been issued by his Excellency Sir John Sherbrooke, Governor of Lower and Upper Canada, directing the persons therein named, to inquire into certain disputes and transactions that have taken place between the partners or persons in the employment of the North-West company, and the governors and servants of the Hudson's Bay company, and certain persons settled or acting under the Right Honourable the Earl of Selkirk; and to execute such powers as may be therein set forth.

And whereas, we are most desirous to afford every facility to the execution of the said commission; we do hereby order and direct, that you, and each of you, do give every aid and assistance in your power to the said commissioners, or to any person or persons having special authority from his Excellency Sir John Sherbrooke, in that behalf, for the purpose of enabling them, or any of them, to execute the matters entrusted to them by the said commission.

And for this purpose, that within your several jurisdictions you back, or otherwise give effect to every warrant that may be issued by the said commissioners, or any of them; and that you duly enforce and assist in the execution of the same to the utmost of your power.

And that you do also issue your own warrants, and enforce the execution of the same, wherever they may be required within your several jurisdictions; and, finally, that you do and perform any other act in your power that may be necessary for the purpose of giving full and complete effect to these orders and directions.

By order of the Board,

Hudson's Bay House, London, 1st May 1817. (Signed) *Alexander M^c Lean*, Secretary.

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No. 24.

Copy of a Dispatch from the Earl Bathurst to Lieut. General Sir John C. Sherbrooke, G. C. B.; dated 13th June 1817.

Sir, Downing-street, 13th June 1817.

I have this day had the honour of receiving your dispatch, No. 110, in which you state the reasons which had induced you to defer, until the receipt of further instruction, complying with that part of my dispatch of the 17th January, which related to the sending to England for trial, the partners of the North-West company, who had been apprehended under warrants of Lord Selkirk, as accessaries to the murder of Mr. Semple, and as suspected of high treason. I had not failed to pay every attention to the legal argument advanced by the executive council, and to the decision to which they came in consequence; but I do not feel myself authorized in subscribing to the opinion, either that the Act 43d Geo. 3, cap. 138, has annulled the

provisions of the 33d and 35th Henry 8th, or that those latter statutes are not as applicable to the offences committed in Canada, as to those in other of His Majesty's foreign possessions. But I am at the same time aware, that if the parties concerned in the present trial, viz. the North-West company on the one hand, and Lord Selkirk on the other, decline appearing in this stage of it before the Privy Council, a considerable delay must take place, in order to establish before the Privy Council the facts of the case, so as to authorize them in compelling the attendance of the parties and necessary witnesses; and as the only object which I had in view, in directing the removal to this country of Mr. M'Gillivray, and the other persons implicated with him in the transaction, was to ensure an impartial decision, which each seemed to consider as unattainable in Canada; so if the parties now consider that a trial at Montreal or elsewhere, will better satisfy them, I have no objection to the adoption of that course which may appear most eligible to the accused and the accuser; especially when by so doing the expense of removing the prisoners and witnesses, will be altogether avoided.

You will therefore consider yourself at liberty to direct the trials to take place in Canada, if such should upon inquiry be found most likely to ensure a satisfactory decision; and, in such case, you will not fail to transmit to me, immediately after the trials, a full and accurate report of all the proceedings, and of the evidence adduced in support of the prosecution, or in defence of the prisoners.

I have the honour to be, &c.

*Bathurst.*

Lieut. Governor
Sir J. C. Sherbrooke, G.C.B.

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No. 25.

Extract of a Dispatch from the Earl Bathurst to Lieut. General Sir John C. Sherbrooke, G.C.B.; dated 7th July 1817.

Downing-street, 7th July 1817.

"I am commanded to signify to you His Royal Highness's entire approbation of the proclamation which you have issued, and the other measures which you have taken, for checking those outrages which had been the natural consequence of the recent differences between the North-West and Hudson's Bay companies. The early dispatch of the commissioners vested with those full powers as magistrates, which their commission under the forty-third of the King confers upon them, and supported, in case of absolute resistance, by the military force which you have placed at their disposal, cannot fail, I trust, to ensure a satisfactory investigation of the mutual complaints and accusations of the contending parties, and to afford the means of ascertaining and ultimately punishing those who have hitherto set the law at defiance."

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No. 26.

Copy of a Dispatch from Lieut. General Sir John C. Sherbrooke, G. C. B. to the Earl Bathurst, K. G.; dated Quebec, 19th July 1817.

My Lord, Quebec, 19th July 1817.

BY a letter from the Earl of Selkirk, of the 24th of April last, which I have lately received, his Lordship informs me, that he had received, very recently, several letters which I had addressed to him in October, December and January last. He remarks, that "the appointment of commissioners of special inquiry, and the "placing of that important charge in such respectable hands, had afforded a "satisfaction and relief to his mind greater than he could well express; and that "I may rest assured, that whatever measures these gentlemen may think fit to "adopt for restoring tranquillity, shall meet with every support which it is in his "power to afford."

He adds, that he was under the necessity of proceeding to the Red River as early as the season might permit; but that he should leave directions for the gentlemen who remain in charge of his affairs at Fort William, to deliver up that post to the commissioners upon their arrival.

By a subsequent letter from Mr. Coltman, of the 31st May, I find that Captain D'Orsonnens had early in March proceeded further into the interior country, and took possession of the North-West company's post called Fort Dauphin, and that Lord Selkirk left Fort William on the 1st of May, for the purpose of visiting the Red

Red River, accompanied by his escort of the 37th regiment, formerly granted to him; but Mr. Coltman informs me, that it seems to be very uncertain whether his Lordship will be able to get on, as he was still at the Lake Lafleche on the 15th of May, waiting for intelligence from the interior, where, it appears (although no blood had actually been shed) that affairs were daily getting into a more alarming state.

Mr. Coltman having met at Drummond's Island one Murphy, who had in his custody serjeant Reinhard, late of the De Meuron's regiment, who stands charged as a principal in the atrocious murder of Owen Keveney, sent him forward, with a commitment of his, prisoner to the gaol of Montreal, where he has been lodged, and is now confined to take his trial at the next assizes.

Since the date of Mr. Coltman's letter, I have received three letters from Mr. Fletcher, acquainting me with several circumstances which I think it proper to make known to your Lordship.

It appears, that, upon the arrival of the commissioners at the Falls of St. Mary, it was thought necessary for Mr. Coltman to proceed immediately to Fort William, leaving Mr. Fletcher to follow with the detachment of 40 men of the 70th regiment from Drummond's Island, which I had ordered to accompany them; and he left him accordingly on the 6th of June. It is not in my power to state to your Lordship the reasons which influenced Mr. Coltman to adopt this conduct; a letter which was written by him and by Mr. Fletcher on the 5th of June, is referred to in Mr. Fletcher's of the 6th of June, as one in which the motives of this proceeding are explained, but it has not yet reached me; I can only therefore conjecture, from a paragraph in Mr. Coltman's former letter of the 31st of May, in which he states, that he sees but little chance of giving effect to the Prince Regent's orders, contained in the proclamation, by remaining at Fort William, in the then state of matters; that, on his arrival at the Falls of St. Mary, he has been induced, by finding that the Earl of Selkirk was still at the Lake Lafleche, to advance with all possible expedition to secure an interview with his Lordship, as the most probable means for ensuring the immediate execution of the Prince Regent's commands; and this is confirmed to a certain extent by a report which has reached me, of his having left Fort William immediately after his arrival there, for the Lac la Pluie.

I have not yet received any information from the commissioners with respect to the final relinquishment of Fort William; but from other channels, I find that Lord Selkirk's agents have delivered up that post, and that the North-West company have been put into possession of the premises, as directed by the proclamation of His Royal Highness the Prince Regent; and I have the satisfaction to add, that all the furs seized by his Lordship in the Autumn of the last year, having been found in Fort William, have also been delivered over to Mr. M'Gillivray, as agent for the North-West company.

Mr. Fletcher continued from the 6th until the 22d of June, at the Falls of St. Mary, and then followed Mr. Coltman. In this interval, a party of about one hundred persons, being principally soldiers, lately of the De Meuron's regiment, but now in the employ of the Earl of Selkirk, arrived there, as did also another party who were in the service of the North-West company. Mr. Fletcher, finding that they had arms, took possession of them, and detained them, as well as the two parties (with the exception of a single canoe, which he allowed to go on) until he was ready to proceed in person. As this detention produced a correspondence between Mr. Fletcher and Mr. Gale, a barrister, who accompanied Lord Selkirk's party, and appeared to have authority over them; and another between Mr. Fletcher and Mr. Simon M'Gillivray, who had charge of the party belonging to the North-West company, I submitted both, and Mr. Fletcher's letters to me upon the subject, to the executive council, desiring to know, whether, in their opinion, the circumstances of the case rendered it necessary for me to issue any new instructions to the commissioners? Upon which they have reported, that, in their opinion, further instructions to the commissioners ought not to be given:

1st. Because they conceive the proclamation of His Royal Highness the Prince Regent, of the 3d of May last, and the instructions which I have before given, to be sufficient to direct the commissioners generally in the proper execution of their duty.

2dly. Because, without a probable knowledge of the circumstances in which the commissioners may be placed (which cannot even be conjectured,) it would be

hazardous to prescribe a course of conduct by particular instructions, and not practicable to give instructions for every possible occurrence.

3dly. Because, considering the unprecedented situation of the commissioners, as well as the important and extraordinary object of their mission, their distance from all civil and effectual military aid, and the difficulties of every description by which they are surrounded, the very object of their appointment, and of His Royal Highness the Prince Regent's proclamation, might be defeated, if, by the absolute restraint of a particular instruction, they should be deprived of the power of acting according to the dictates of sound discretion, and upon their own responsibility, in any case of emergency in which a necessity for so doing might exist; but they have recommended, that by letter I should direct the commissioners to act conjointly, as far as circumstances will permit, which I have accordingly done, without issuing any new instructions. I have the honour to be, &c.

(Signed) *J. C. Sherbrooke.*

The Earl Bathurst, &c. &c. &c.

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No. 27.

Copy of a Dispatch from Lieut. General Sir John C. Sherbrooke, G.C.B. to the Earl Bathurst, K.G.; dated Quebec, 10th August 1817:—Three Inclosures.

My Lord, Quebec, 10th August 1817.

I yesterday received dispatches from the commissioners of special inquiry in the Indian territories, copies of which I do myself the honour of transmitting for your Lordship's information.

2d July. 22d July.

They consist of a letter from *Mr. Coltman* to me, written from Bas de la Rivière, on the 2d July; and of one addressed to me by Mr. Fletcher, dated Fort William, 22d of the same month, covering a letter from the Earl of Selkirk, to the commissioners from Fort Douglass, of the 28th of June last.

I feel very anxious to obtain further information from the commissioners, which when I receive, I shall lose no time in communicating to your Lordship.

I have, &c.

The Earl Bathurst, K.G. &c. &c. &c. (Signed) *J. C. Sherbrooke.*

Inclosure (1) in Sir J. C. Sherbrooke's, of 10th August 1817.

Sir, In Camp, at the Fort du bas de la Rivière Winnipic, 2d July 1817.

I had the honour of addressing your Excellency, in conjunction with major Fletcher, on the 5th of last month, from the falls of St. Mary; since which time, I have been so completely occupied by my progress to this place, as not to have had it in my power to write, as with the exception of the time unavoidably required at the respective posts of Fort William and Lac la Pluie, in collecting information, and attending to such of my duties as a magistrate, as appeared not to admit of delay, I have been constantly travelling from day-light till after sun-set; whilst at the same time I have not till my arriving here, received any information sufficiently material to make it important to address your Excellency.

At this place I met with Mr. Richard Grant, one of the clerks of the North-West company, who was employed last Autumn by the commissioners, to proceed with their notification from Nottawasaga, and who appears to have executed that trust with zeal and diligence, having personally conveyed the same as far as Red River, where he terminated his journey on the 4th May last, at the upper post, situated at the junction of River La Souris, whence the intelligence was sent on by mutual arrangement, to meet the respective wintering parties of the two companies coming out to Lake Winnipic from the North-West, and accordingly met Mr. Bird, the superintendent of the Hudson's Bay company's affairs in the interior, as well as Mr. M'Leod, and the other North-West partners, in their progress down; and it is by the latter stated to have been forwarded to the upper posts of Athabasca, &c. by themselves, but that they apprehend the same was not done by Mr. Bird, as they found he had not left any order to conform to the notification at the Hudson's Bay posts they afterwards passed. It is, at all events, a material satisfaction to me to inform your Excellency, that on the Red River the notification has been so far attended to, as to prevent the occurrence of any open acts of violence between the parties; I regret, however, at the same time, to have to state, that early last month, ten persons in the service

service of Lord Selkirk or the Hudson's Bay company, who had wintered in the upper part of the main branch of the Red River, were attacked, as it is supposed, either by Scioux or Assiniboine Indians on their return, and five of the number killed, and three wounded; this attack is reported to have been made by persons who kept themselves concealed, and fired only arrows; each party wishes to represent it as the result of the intrigues of the other with the Indians, but there is nothing like proof as yet to fix even probable suspicion on either; this appears to be the only instance of bloodshed which has occurred in the Indian territories since the appointment of the commissioners.

My principal objects in proceeding on to this place immediately from Fort William, have been to restrain by my presence, as far as it could have that effect, both parties from acts of violence; and, at the same time, to ascertain in person, how far there existed a necessity, as well the means, for the advance of the whole of the troops into the interior; I, at the same time, however, deemed it necessary on account of the shortness of the season, and the importance of ensuring a due respect to the authorities, military as well as civil, to leave orders at Fort William for the advance as far as Lac de la Pluie, of the small military party, your Excellency was pleased to direct, to accompany the commissioners as an escort, as well as to ensure the return to their duty of the party granted to the Earl of Selkirk last year; the North-West company engaged to furnish the necessary transport for this small body of troops, and a full supply of provisions for their use. The general propriety of my decision in this respect rests upon, and has since been further confirmed to my mind, by a variety of circumstances, which time will not allow me to state to your Excellency at this moment, as I continue very anxious to proceed without delay to the Red River, for the purpose of ascertaining how far I can depend on the sincere concurrence of the Earl of Selkirk and his followers, in giving effect to The Prince Regent's proclamation, and at the same time of ensuring, as far as possible, the preservation of the peace in that quarter; respecting neither of which objects can I feel much confidence under the circumstances which have here come to my knowledge. On my arrival at this place, I had the satisfaction of finding several of the North-West wintering partners with a portion of their furs, from the northward, and of the provisions required for their canoe-men from Red River, safely arrived; and I flatter myself there is little danger of any obstruction being offered to the passage of the remainder, after the general knowledge of the proclamation issued by the command of His Royal Highness the Prince Regent. I found, however, the gentlemen of the North-West company assembled in a state of much irritation, and many of them preparing to set out in a body for the Red River, apparently with a disposition by no means favourable to peace, in consequence of the arrest of the deputy sheriff of the western district of Upper Canada, who had accompanied Mr. Shaw to that place, for the avowed purpose of assisting to give effect to the proclamation, but doubtless with a further view to the personal arrest of Lord Selkirk, for the imputed escape from Fort William; this arrest of the sheriff was carried into effect by armed men, who forced his surrender, by presenting their cocked pistols, stating, at the same time, that they acted in virtue of a warrant, which, if so, must have been granted under some supposed authority, derived from the Hudson's Bay company; it was not without some surprize that I learned that this proceeding did not lead to a further immediate breach of the peace, as I understand that a large body of Indians and half-breeds in the interest of the North-West company were assembled in the immediate neighbourhood; the parties on the Red River may however be waiting for communication from hence; and I have reason to hope, that my presence has had a considerable tendency to moderate the intended proceedings, and that probably the greater number of the North-West partners now here, will not, at least for the present, proceed at all in that direction. As I have now so early a prospect of seeing the Earl of Selkirk, the distance from hence to the forks of the Red River being scarcely two days journey, and of receiving his explanations of this arrest, as well as of various other transactions which are stated to have taken place under his authority, I shall defer, till after that period, troubling your Excellency with further details, and shall confine myself to a few facts:—the statement made by Mr. Murphy, at Drummond's Island, of the capture of the North-West post, called Fort Dauphin, by the followers of his Lordship, was erroneous, as it was in fact Fort Douglass, situated at the forks of the Red River, that was so captured, and at which place Archibald M'Lellan was made prisoner. This post was originally established by Lord Selkirk's party, and is now the place of his residence. The post from which I now address your Excellency was likewise captured early last winter, but was left, as well as that of Lac la Pluie, captured the

preceding Autumn with only a small force, which gave them up without resistance; on Mr. Shaw's appearance.

At Lac de la Pluie I took a very long deposition of one of the half-breeds, who had been educated in Lower Canada, in the Catholic religion; and in the truth of whose statements I feel considerable confidence, although they are directly at variance with those of Hubert Faille and Reinhard in many material circumstances respecting the murder of Owen Keveney, and tend to produce a strong presumption, that Reinhard was the unsolicitated perpetrator of that crime; that the first wound was given by him appears indisputable. On this subject I shall hereafter be able to obtain much further evidence, as this deponent has given me the names of all the other persons present in the canoes at the period of the murder. In the mean time I have thought it right to lose no opportunity of communicating to your Excellency the new appearance assumed by this melancholy business.

I shall have the honour of addressing your Excellency again as soon as possible after seeing the Earl of Selkirk, for which purpose I shall send an express if necessary. I profit of the opportu ity of the North-West canoes to transmit the present letter to major Fletcher, to be forwarded with any further intelligence he may have to communicate to your Excellency. I presume it will meet that gentleman at Fort William, or on his way from thence to Lac de la Pluie; to which central point of the interior country I have stated to him my opinion of the ultimate necessity of the commissions proceeding, leaving it however entirely at his discretion to come on immediately, or to wait my advices after meeting Lord Selkirk, according to the importance of the business he may meet with below, and the length of time my former advices may reach him, previous to the probable period of his receiving those from Red River.

I have, &c.

Lt. Gen. Sir J. C. Sherbrooke, G. C. B. &c. &c. &c.

(Signed) *W. B. Coltman.*

Inclosure (2) in Sir J. C. Sherbrooke's, of 10th August 1817.

Sir,

Fort William, 22d July 1817.

My letters of the 22d and 23d of June; the former from the Falls of St. Mary, with a variety of papers inclosed; and the latter from Gros Capor, the North-eastern coast of Lake Superior, will have already apprized your Excellency of the state of things at St. Mary's, up to the period of my departure from thence with the detachment of the 70th regiment, under Lieutenant Austin.

On Tuesday the 24th, finding the batteaux with the troops were considerably in the rear of the whole brigade (which consisted of more than 40 canoes, &c. and about 450 men), I left an order for them to proceed direct to Fort William, and pushed forward in my own canoe; and on Saturday the 28th, being then a-head of the whole, I met Mr. M^c Gillivray, who had come to meet us, wondering at the delay in the arrival of the brigade. Having been detained at different times about two days by gales of wind, we did not arrive at this place till Tuesday the 1st instant. The remainder of the brigade came in between the 2d and 6th, and the batteaux on the evening of the 7th, with every man fit for duty, having been no less than 17 days on their passage from St. Mary's. Had the troops arrived as soon as myself, it was my intention to have followed Lieutenant Colonel Coltman immediately; but having afterwards an opportunity of much consultation and inquiry, I determined, after every consideration which I could give the subject, to remain here, unless I should learn that my presence was necessary in the interior, and to forward Lieutenant Austin with a party of twelve men, being the number mentioned in your Excellency's last instructions, for the service which you there direct.

That officer accordingly proceeded from hence, with one serjeant and thirteen rank and file, on the 9th, and was followed on the 10th by Lieutenant Johnston, of the Indian department, as an interpreter.

I have been very anxious since the departure of the troops for some news from Lieutenant Colonel Coltman, and was truly happy to find by a letter from him of the 2d of July, that he had arrived at Bas de La Rivière (Winnipic) exactly at the moment when an expedition was setting off for the purpose of bringing down, whether by force or otherwise, a quantity of provisions belonging to the North-West company, which they had collected as usual on the Assiniboine river, and which the Earl of Selkirk had refused to suffer to pass Fort Douglass, on account of the canoes being in a great measure manned by the half-breeds, whose passage by the Red River he has interdicted since the re-possession of that post.

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The gentlemen of the North-West company, by whom I send this, have been also waiting anxiously for news from the Forks, as things were in so precarious a state, that notwithstanding the presence of Lieut. Colonel Coltman, great mischief was at least very possible. I am happy to find, however, by a single line from himself, dated from the Forks of Red River, at four in the morning of Tuesday the 8th instant, that at that time no violence had occurred; and that he conceived that no greater force than the party of twelve men under lieut. Moir of the 37th (the recal of which from St. Mary's he is yet unapprized of) would be requisite.

I learn from other sources of intelligence, that my colleague left Bas de la Rivière on Thursday the 3d; that he passed Fort Douglass, accompanied by a brigade of four other canoes, between twelve and one on Saturday the 5th, and was saluted with seven guns; that he encamped about half way between the fort and the North-West company's party, who are about two miles up the Assiniboine; that he was visited next day by the Earl of Selkirk, and joined by serjeant Pugh and the remainder of the party of the 37th, which had composed his Lordship's escort; that although the North-West and a considerable band of Indians, dispersed within a day's march to the North-westward, are much exasperated, he has hitherto been enabled to keep things quiet, and that there are now no fears of immediate hostilities, his Lordship appearing at present overawed by the nature of the force by which he is surrounded. Smith, the deputy sheriff, still, however, remained a prisoner in the fort.

Lieutenant Austin's party was met on the 17th by the gentleman who brought Lieutenant Colonel Coltman's note of the 8th, near Lake la Croix, and probably arrived on Sunday or yesterday at Lac de la Pluie. It is satisfactory to learn, that late as it was when our public notification of the 3d of December from Nolloweasaqua arrived in the interior (in April and May,) it has assuredly had the effect of preventing much mischief, which would otherwise have occurred, nothing serious having taken place since its publication in the countries to the northward.

The political relations in which the contending parties stand at present, with regard to the Indian nations, are here stated to be as follows:—

The Sioux, a warlike and powerful nation, inhabiting the countries to the westward of Lake Superior from the Missouri, to about 48 North latitude, have from time immemorial been at war with the nations to the northward and eastward, viz. the Assiniboins (though originally from the same stock and speaking the same language,) the Chippewas or Souteaux, and the Knistineaux or Crees, and even hostile and dangerous to the North-West company's people, whom they consider as the friends and supporters of their enemies. It has, it seems, ever since the original grant of "Assiniboine" to the Earl of Selkirk, been his Lordship's policy to cultivate the friendship of the Sioux, originally, probably, with a view of obtaining by their means supplies of cattle and other produce from the rich countries on the Missisippi and Missini; and latterly perhaps with a view of keeping the latter nations, who are all strongly attached to the North-West company, in check. It seems that this Spring, his Lordship thought proper, under the ostensible design of producing a treaty of peace between the contending nations (an object the attainment of which is here stated to be utterly hopeless,) to invite a large body of the Sioux to come down the Red River to the Forks, though they have never been accustomed to pass it below the Chayenne in lat. 47°. 40′. except for the purpose of hostile incursion on their enemies to the Northward. This circumstance, coupled with the permanent occupation of part of their planting grounds, and probably some personal aggressions by Lord Selkirk's people, all exaggerated perhaps by the influence of the North-West company, has it is said so exasperated the natives in the vicinity, that they are very much discontented at not being permitted to take up the hatchet against the settlers. The matter is stated to have gone so far, that his Lordship felt himself reduced to the necessity of endeavouring at a late council, to treat with them for his territory, which was absolutely refused; that he then wished to purchase of them a point of two leagues square only, to the North-West of the Forks (including the scite of Fort Douglass,) which was also refused; that they now insist peremptorily on his dismissing the Meurons instantly, and forbearing to cultivate another foot of soil; and that there is considerable doubt, whether they will not ultimately compel them to abandon the colony altogether.

I do myself the honour of inclosing herewith a letter from Lieutenant Colonel Coltman, written before his departure from Bas de la Riviere (the North-West company's post on the river Winnipic, about a mile from its entrance into the lake)

for the Red River. I have not hitherto been able to follow his directions with regard to sending a copy to Upper Canada, almost all the intercourse between this place and the Eastward being by the French river to Montreal direct; and I have, therefore, preferred transmitting it to your Excellency to waiting an indefinite length of time to send it to the officer administering the government of Upper Canada; I have, however, kept a copy, which I shall forward to York by the first opportunity.

I have the honour to be, &c.

(Signed) *J. Fletcher.*

P. S. I had closed this, when I received a letter from Lord Selkirk, of which the inclosed is a copy, and which I thought of sufficient importance to induce me to detain the canoe whilst I transcribed it.

To his Excellency Lieutenant-General
Sir John C. Sherbrooke, &c. &c. &c.

Inclosure (3) in Sir J. C. Sherbrooke's, of 10th August 1817.

Gentlemen, Fort Douglas, Red River, 28th June 1817.

On the 20th instant, near the entry of River Winnipic, a copy of the late proclamation of The Prince Regent, was handed to me by Mr. Angus Shaw of the North-West company. Though some of the allusions in the preamble seems to have been suggested by misinformation, I am not the less sensible, that it is my duty to yield implicit obedience to the injunctions of the proclamation. In consequence, the fort at Bas de la Rivière, though built upon my lands, was immediately given up to Mr. Shaw, and to another partner of the North-West company along with him. The furs also that were found in this place, when Governor M'Donnell and Captain D'Orsonnens re-occupied it in January last, have been restored without hesitation; and Mr. Shaw has met with no obstruction in sending out the furs collected for the North-West company in the upper part of this river, together with as much provisions as he deemed necessary for the supply of the company's canoes, and also of the troops and other people in your retinue. This has been done, notwithstanding the numerous acts of violence which have been committed against the servants of the Hudson's Bay company, by the very persons who collected and brought out the furs and provisions; while we have thus shown the most ready compliance with the injunctions of the proclamation, I am sorry to say, that no corresponding disposition has appeared on the part of our adversaries. Not only does Mr. Shaw evade the restitution of the property of which the Hudson's Bay company was robbed last Summer, by his partners at River Qu' Appelle and Brandon House, but, with the proclamation in his hand, he has lent his sanction to new acts of aggression. I am informed, that in taking possession of the fort at Lake la Pluie, he has detained many articles to which the North-West company could have no shadow of claim, such as provisions and goods brought by the Hudson's Bay company's servants from Sion de Lac. I am also informed, that a canoe from Raministiquia, loaded with supplies of the most urgent importance, the unquestionable property of the Hudson's Bay company, has been stopped and sent back by orders from Mr. Shaw, or some others of the North-West company; as to these facts my information is as yet imperfect; but this is not the case as to Mr. Shaw's proceedings at Bas de la Rivière, where he has detained above forty packs of valuable furs, to which no shadow of claim could be set up by him or any of his associates. This act of violence has been done in the name of Mr. W. Smith, *soi-disant* under sheriff of a district in Upper Canada; and who, under that character, has the effrontery to assume the powers of a magistrate in this territory. As the conduct of this man (who appears to be in some degree deranged in his mind) betrayed an evident purpose to lend himself to further acts of violence, Governor M'Donnell has deemed it necessary to detain him in custody, as a disturber of the public peace, till your arrival. It is evident, that he has been a mere tool in the hands of Mr. Shaw, who was present and commanded the men, by whose aid the sheriff was enabled to take possession of the furs. The juggle between them, however, is so well arranged, that each throws on the other the responsibility of the transaction, and neither of them will give any order for restitution. If the servants of the Hudson's Bay company were inclined to act like their antagonists, it would not be difficult for them to retake these furs by force; but they prefer waiting peaceably to obtain redress through your interposition. While such has been his own conduct, Mr. Shaw has the assurance to call for restitution of other articles now here, of which we obtained possession in pursance of regular agreements of sale. Mr. Shaw pretends to question the validity of these transactions; but whether he be right

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or wrong in that opinion, I conceive that it rests with you (if not with a court of justice) to decide what are the restitutions to be made on either side. When the proclamation ordered the restitution of the forts and property they contain, I cannot conceive that it was the intention of Government, that each party should seize with the strong hand whatever they may pretend to claim as their own, wherever they may have the power to enforce their claim. The only interpretation which in reason and equity can be put on this article of the proclamation is, that the restitution should be generally made simultaneously on both sides, and arranged under your authority. To such a restitution there can be no objection on my part; and I can with confidence assure you, that whatever you may order or even recommend on the subject will be complied with immediately, and without the smallest hesitation or reluctance, by all who act under the authority of the Hudson's Bay company. I flatter myself, however, that the subject will be considered in all its bearings; and that even, if the purchases to which I have alluded may appear liable to objections, the party that has *bonâ fide* obtained possession of property under them will not be required to give it up, while the opposite party retains all the advantage of seizures made in defiance of law by undisguised robbery. On this point, I would beg leave to observe, that the seizures made by the North-West company have been in many instances for the purpose of malicious mischief, and the property wantonly destroyed. Breeding cattle and sheep, brought to the country at great expense, have been killed and exterminated; tools, implements of agriculture, boats and canoes, have been broken up or spoiled; provisions have been consumed, or made away with. In these cases, an equitable interpretation of the proclamation would certainly require not only the restitution of the articles which remain in the possession of the offending party, but also that those which he cannot produce should be replaced out of any similar articles which that party may have at hand. On this principle, if the sale made by Mr. D. M'Kenzie at Fort William, and by Mr. Dease at Lake la Pluie, appear to you not to be valid, I shall be ready to replace with as little delay as possible, all the articles which have been consumed by my people out of the stores at those places. On the other hand, I trust that the North-West company will be obliged to replace in kind, on the spot, the articles which they seized last year at this place, and the posts of the Hudson's Bay company, both in this river and elsewhere. You are probably aware, that among the articles so seized, there was a large quantity of pemican, which has never been accounted for. On the other hand, a quantity of the same sort of provisions has been recently brought down the river by the very individuals who committed that robbery last year; possibly this pemican may be the same which they took last year; but whether it be so or not, I conceive that it ought to be given up to the Hudson's Bay company, as a part of the mutual restitution ordered by the proclamation; and as Mr. Shaw has already been allowed to send away as much as he deemed necessary for the immediate supply of the North-West company's canoes, I trust you will approve of the remainder being detained till your arrival and determination on the subject. Among the articles which Mr. Shaw has claimed as the property of the North-West company, are two small brass guns brought from Fort William; as to which I have told him, that even if they were not included in the sale by Mr. M'Kenzie, I could not give them up to the same men who had made such a detestable use of similar arms for the two last years; but I assured him, that the guns should be delivered into your hands, and my own also, if you require them. Though Mr. Shaw is encamped in the midst of the half-breeds, who committed the massacre last year, and employing them as his servants, he pretends to say that they are to be considered in the same light as any other Indians; extending this to several gentlemen of good education, regular clerks in the service of the North-West company, among whom we may reckon his own sons. I trust, however, that he will not have influence enough to persuade these misguided men to acquiesce in this disavowal. A great mass of most important evidence is ready to be laid before you on your arrival at this place; and all the anxiety that I now have is for your early arrival, which I fear the North-West company may have the means, as I doubt not that they have the inclination, to impede. If your military escort be any incumbrance, I trust that you will not allow it to occasion delay; as your own presence, with the authority which you hold, will be sufficient for every purpose of justice. If it be known that troops are coming up, that will have the same effect as if they were actually present; and if it be necessary to resort to force in the mean time, there will be no want of men able and willing to execute your orders.

I have the honour to be, &c.

(Signed) *Selkirk.*

To Lieutenant Colonel the Honourable H. B. Coltman, & Major John Fletcher, &c. &c. &c.

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No. 28.

Copy of a Dispatch from Lieut. General Sir John C. Sherbrooke, G. C. B. to the Earl Bathurst, K. G.; dated Quebec, 13th September 1817:—One Inclosure.

My Lord, Quebec, 13th September 1817.

I HAVE the honour to transmit to your Lordship copy of a report made by a committee of the executive council, upon the petitions of the several persons mentioned in that report, who stand charged with crimes committed in the Indian country. The consideration of these petitions was suspended until your Lordship's pleasure respecting the trials of the petitioners should be known; and your Lordship having been pleased, by your dispatch, No. 107, to signify to me that I should consider myself at liberty to direct the trials to take place in Canada, I called upon the council to resume the consideration of the petitions above-mentioned, who made the report now transmitted to your Lordship.

I have the honour to be, &c.

Earl Bathurst, &c. &c. &c. (Signed) *J. C. Sherbrooke.*

Inclosure (1) in Sir J. C. Sherbrooke's, of 13th September 1817.

To his Excellency Sir John Coape Sherbrooke, G. C. B. Captain-General and Governor-in-Chief of the province of Lower Canada, &c. &c. &c.

Report of a Committee of the whole Council; present, the Honourable the Chief Justice in the chair, Mr. Young, Mr. Irvine, Mr. Duchesnay, Mr. Perceval and Mr. Smith.

May it please your Excellency.

The committee, in obedience to your Excellency's references of this day, have resumed the consideration of the several petitions of William M'Gillivray, Alexander M'Kenzie, John M'Donald, John Laughlin, Allan M'Donnell, Simon Fraser, Hugh M'Gillis, Joseph Brisbois, John Sivewright, John Cooper, Hugh Bannerman, Donald M'Kinnon, Paul Browne, Louis Perault dit Morin, George Campbell and François Firmin Boucher, suspended in consequence of their report of the 22d April last, and on the grounds of the apprehensions expressed on one side, of the influence of the North-West company upon the public in this province, and of the representations made on the other, of the difficulties to which the persons accused of crimes committed in the interior country are exposed in procuring their witnesses from thence, and the probability that some will even refuse to attend in the lower province, the committee do humbly recommend—

That the trials of all the persons who stand charged with crimes of any description committed in the Indian territory, and in any manner having relation to the recent disputes between the Hudson's Bay and North-West companies, be allowed to take place in the province of Upper Canada, according to the provisions for that purpose contained in the imperial statute, 43d Geo. III, cap. 138.

All which is respectfully submitted to your Excellency's wisdom.

By order,

Council Chamber, Quebec, 30th August 1817. (Signed) *J. Sewell*, Chairman.

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No. 29.

Copy of a Dispatch from Lieut. General Sir John C. Sherbrooke to the Earl Bathurst, K.G.; dated Quebec, 13th September 1817:—Three Inclosures.

My Lord, Quebec, 13th September 1817.

15th July 1817. 31st July 1817. 15th July 1817.

I HAVE lately received letters from the commissioners of special inquiry in the Indian territory; copies of which, and of one from the Earl Selkirk to Mr. Coltman, I do myself the honour to transmit for your Lordship's information.

I beg leave to assure your Lordship, that I shall lose no time in communicating any further intelligence I may receive from the commissioners, on the subject of their mission.

I have, &c.

The Earl Bathurst, &c. &c. &c. (Signed) *J. C. Sherbrooke.*

Inclosure (1) in Sir J. C. Sherbrooke's, of 13th September 1817.

Sir, Forks of the Red River, 15th July 1817.

I had the honour of addressing your Excellency on the 2d instant, from Fas de la Rivière Winnipic, and of since communicating, through Mr. Secretary Cochrane, my safe arrival at this place, on the evening of the 5th instant.

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I have now the satisfaction to say, that after innumerable difficulties and delays, arising from the mutual jealousies and suspicions of the parties, I have at length succeeded in obtaining Lord Selkirk's promise to deliver up the property at this place, and which has already in part been carried into effect. I have also got both parties to agree upon and sign an order, to be transmitted throughout the whole interior, containing such explanatory details as are necessary for the practical execution of the Prince Regent's proclamation.

These two decisive proofs of obedience to legitimate authority on the part of the Earl of Selkirk, joined to the certainty that no one hostile step has been taken under his authority since the receipt of the proclamation, or even of the commissioners notification, leave no doubt of his Lordship's peaceable intentions, especially as the Athabasca canoes, with a very valuable and unprotected property of the North-West company, has lately passed within his reach, and nearly at the same moment that accounts reached his Lordship of many violences, committed in the very country whence they came, on the persons and property of the Hudson's Bay servants there, during the early part of last winter; a circumstance which must necessarily have irritated his Lordship's mind, and might have afforded some pretext for retaliation.

These circumstances, joined to the personal knowledge I have already acquired of this country, where nearly the whole active population is armed, mounted on horseback, and formed to habits which qualify them both bodily and mentally for warfare, have left no doubt on my mind of the necessity of allowing some armed force for the defence of the colony; and I have been able to think of no other legal mode of doing this, except by the appointment of constables (an authority necessarily implied, even in the limited powers of the Act of the 43d of the King,) with the addition of a defensive force, under the name and recognized in our old law books, of "Watch and Ward," to act under the chief constable. On this subject I have the honour of inclosing to your Excellency a letter which I have this day received from the Earl of Selkirk, and with respect to the contents whereof, I have so far made up my mind, as to determine on recommending to the officer administering the government of Upper Canada, to issue a *Noli Prosequi* in the case of some one of the party; provided his Lordship and all other persons, against whom the warrants were granted, do appear, as proposed in that letter; and further earnestly to solicit your Excellency's favourable consideration of the proposal of a small body of the King's troops being left for the ensuing winter in this neighbourhood, as a most excellent check on the colonists themselves, as well as a defence against the natives. If any portion of the King's troops remain, it is evident from the past, that they ought to have an officer with them; and in hopes of your Excellency's favourable determination, I shall detain Mr. Mair here with a detachment, as nearly as possible numerically equal to what first proceeded with him from Drummond's Island, as long as his instructions and the nature of the season admits; a sufficient supply of English provisions for the winter, is offered by a Governor of the Hudson's company, now here from the Bay.

Your Excellency will observe the reasons assigned by the Earl of Selkirk, for his original refusal to obey the warrants; and although I have no idea that his personal apprehensions were well founded, yet, with his Lordship's views of the character and proceedings of his opponents, they were not unnatural, and must, I think, be allowed considerable weight in extenuation on a future *bonâ fide* surrender.

The body guard of his Lordship, at all events, I am happy to find, were much less faulty than they formerly appeared, as the day after the Sheriff's arrival, the serjeant waited upon him and offered him the services of himself and his party, if he thought them able to accomplish the service required; this prompt return to duty, together with the circumstance of the commissioners notification arriving at Fort William the same day as the Sheriff, which might very naturally puzzle him, will, I hope, be accepted as materially diminishing the serjeant's fault. The conduct of himself and party since my arrival, on which they instantly joined me, has been unexceptionable, and indeed entitled to every praise. I have, &c.

Sir J. C. Sherbrooke, G. C. B. &c. &c. &c. (Signed) *W. B. Coltman.*

Sir, Fort Douglass, Red River, 15th July 1817.

I have had the honour of receiving your letter of the 13th, informing me of your intention to constitute a legal armed force, for the defence of this place, and the preservation

Inclosure (2) in Sir J. C. Sherbrooke's, of 13th September 1817.

preservation of the peace in the neighbouring settlements, under the ancient denomination of "Watch and Ward." This proposal is in the highest degree consonant to my wishes; and I esteem it a fresh proof of your attention to the welfare of His Majesty's subjects in this remote part of his dominions. I have no doubt that such an establishment as you propose, is the best and perhaps the only legitimate mode that can be devised of providing for the security of the inhabitants, so long as they cannot participate in the direct protection of His Majesty's regular forces.

The only point of your plan upon which I have to offer any remarks, is the exclusion of the officers of the late regiment de Meuron from any station of command; an exclusion which must have a very pernicious effect, as the good conduct which the men of that regiment have so constantly maintained, is principally to be ascribed to the personal influence of these officers, under whom they have so long served, and in whom they have great confidence. If they are placed under the command of a stranger, especially one who does not speak their language, I cannot feel confident of the continuance of the same good conduct, and cannot but apprehend that very serious bad consequences may be the result.

This exclusion you have stated to be unavoidable, on account of the warrants which have been issued against captains Matthey and D'Orsonnens, and lieutenant De Graffenreid (as well as against myself and other persons,) by some magistrates in Upper Canada. I am well aware of the unfavourable impression which must have arisen, when it was supposed that our want of respect to these warrants arose from a determination to resist the due execution of the law. The superior dispatch of the North-West company's messengers at the critical moment of the ice beginning to form on the lakes, enabled them to propagate this calumny for several months, before any explanation of the circumstances could be received on our part. But I flatter myself, that my letters of November 12th and March 19th to Lieutenant Governor Gore, must have removed any such impression. I there explained that we had not the smallest intention to resist the due execution of the law; but that from all the circumstances of the case, we could not believe the warrants to be legitimate, and issued from proper authority; and that under such doubts we could not think of trusting ourselves to the discretion of men who were in the pay of the North-West company, as the past conduct of that association, had shown not only the deep artifices which they were likely to employ for entrapping their adversaries, but also the horrible use which they might be expected to make of any advantage they might gain over us. Though it appears we did not reason with perfect accuracy as to the legal character of these warrants, I still think that our grounds of doubt were not slight; and, that whatever might be the strict legal authority of the warrants, those who applied for them had very different objects in view from the cause of justice.

Informed as we now are on the subject, and having opportunities of proceeding to Sandwich or to York, with a fair prospect of personal security, we have no wish to avoid taking our trial for the offences charged against us, if indeed it be in the contemplation of our accusers to follow up their charges so far. For my own part, I am persuaded that they never entertained such an idea; that they are themselves fully sensible of the futility of the charges, and that the chief object in view was to derange the organization of this establishment, to obstruct the farther prosecution of our journey, and prevent our having access to the sources of evidence which were known to exist in this quarter. Confident of being able to prove in the most satisfactory manner, the absolute falsehood of the charges upon which the warrants in question were founded, it is a great disappointment to us to learn that you do not consider it as within your province to enter upon that investigation. Since the judicature of these territories is upon so unfortunate a footing, that any person who is accused by a perjured hireling, even without the smallest shadow of a probability, may be required by law to go to a distance of a thousand miles to give in his answer to the charges, we must of course yield obedience. Allow me, however, to call your attention to the dreadful consequences which may arise from the vigorous execution of the law, if it be indispensably necessary, that all the gentlemen named in these warrants should proceed at once, and without delay, to stand their trials in Upper Canada.

I have observed, that the good conduct and orderly behaviour which the men of the late Swiss regiments have hitherto preserved, is principally to be ascribed to the confidence they repose in the officers, under whom they have served so long while in the army. If all these officers are obliged to leave the settlement, it is not to be expected

expected that the men can be kept in the same good order as hitherto; and the consequences may be serious in the extreme. It is not from mere conjecture that I say the animosity of the North-West company against this settlement is not extinguished; it is even more violent than ever. I have ascertained by the most indisputable evidence, that their enmity originated while the formation of the settlement was yet but in contemplation, and that it arose from motives which can have no termination except in its utter ruin. Of the plots that are at this moment going on against it, I have evidence, not indeed sufficient as a foundation for legal proceedings, but more than enough to show the necessity of precaution. Even if the North-West company should be deterred from a repetition of the same desperate measures as last year, their secret machinations may be of the most alarming consequence. If the settlement is to be exposed to the artifices of such an enemy, without one man possessed of authority or influence among the most considerable body of the settlers, without one man capable of uniting their endeavours for the common safety, it is not perhaps too much to say, that the result may be as fatal as the catastrophe of last year.

In these circumstances, I flatter myself that you will see the propriety, if I may not say the necessity, of relaxing in some degree the strict application of the law, so as to admit of at least one of the gentlemen of the late regiment De Meuron remaining at the settlement, in a station of some authority, while the others go with me to Upper Canada, to meet the charges brought against us. Captain Matthey is the gentleman, whom I would propose to remain; and, if I do not misapprehend the intended course of procedure, all that I wish would be attained, if you recommend to the proper authority, that a *Noli Prosequi* may be entered in his favour, for a sufficient period of time, on condition of the appearance of myself and the other persons concerned, to answer to the charges brought against us.

I cannot quit this subject, without again repeating the anxious wish, which I have already frequently expressed, that some portion, however small, of a military force, may be left here, if it were only for one or two years; a steady serjeant, with six or eight men of His Majesty's regular troops would afford more effectual protection to the settlement, than ten times their number of any other description of force, and would, in fact, be sufficient to obviate all anxiety, as to any open or violent attack.

As you have suggested the possibility that a garrison of more considerable numbers may be stationed on the Kaministigoia River, I beg leave to tender the buildings at Point Meuron for their accommodation. I conceive the situation to be in every respect much preferable to Fort William, and I shall be happy if the little that I have done there, can prove useful to His Majesty's service. I have, &c.

Lieut. Colonel the Hon. W. B. Coltman, &c. &c. &c. (Signed) *Selkirk.*

Inclosure (3) in Sir J. C. Sherbrooke's, of 13th September 1817.

Sir, Fort William, 31st July 1817.

I have the honour of transmitting to your Excellency the inclosed letters, Nos. 110 and 111, which I received on Monday evening last, the 28th instant, from Mr. Simon M'Gillivray, who arrived here on foot, having had his canoe broken to pieces amongst the rapids about fifty miles up the river. Mr. Smith, who acted as deputy sheriff of the Western district, and who was with him in the same canoe, arrived the next day; having, as I understood, been bailed by Lieutenant Colonel Coltman, after a rigorous imprisonment of about twelve days at Fort Douglass. Mr. Shaw had also arrived here on the 27th from the same point.

I have also the honour of inclosing a notice, by the contending parties, to the persons in charge of their respective posts, directing a general restitution of all property seized by either, &c. (No. 112,) which, if really executed according to its purport, will, as I hope, be attended with good effect. His Lordship's protest at the end of it is, however, a remarkable indication of the views which he still entertains respecting his "purchases," as he calls them, here and at Lac la Pluie.

With regard to the measures recommended by my colleague, remote as I am from the part of the country from which the information on which his suggestions are founded, is derived, I am of course unable to offer any objections whatsoever.

Lieutenant Austin, with his party of a serjeant and 13 men of the 70th, was met by the former of the above-mentioned gentlemen on the 22d, about a day's journey beyond Lac la Pluie, proceeding towards Bas de la Rivière.

Desmorais, who was the steersman of Mr. M'Lellan's canoe at the time of the murder of Keveney, is also here; and I have felt it right to take his deposition respecting that unfortunate affair, a copy of which is inclosed, No. 113. I shall also transmit another copy to the Chief Justice of Montreal, by the same conveyance.

The Papers, Nos. 114 and 115, the latter of which I received only this day from Governor Vincent, who has, as I understand, honoured this neighbourhood with his presence, are sufficiently expressive of the notions of the Hudson's Bay company's officers, with regard to the nature and extent of their charter, and of the system of jurisprudence to be established under it.

I learn from Messrs. Shaw and S. M'Gillivray, that the former arrived at the forks of the Red River on the 24th of June; and that a day or two previous to his arrival a small band of about 22 Sioux warriors had been there, who had declared that they were the precursors of a very large body who were coming down the river by the invitation of Lord Selkirk, and which body they had again returned to meet on their way. They had not, it seems, arrived on the 16th inst. in the morning; but these gentlemen appeared to be very apprehensive of serious consequences on their arrival, which was still expected when they came away.

As I learnt that Lieutenant Colonel Coltman now considers my presence as necessary in the interior, I shall go up immediately; though it will be too late to enable me to do more than meet him at Lac la Pluie on his way down, and therefore in a great measure useless. I have, &c.

Sir J. C. Sherbrooke, G. C. B. &c. &c. &c. (Signed) *J. Fletcher.*

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No. 30.

Copy of a Dispatch from Lieut. General Sir John C. Sherbrooke, G. C. B. to the Earl Bathurst, K. G.; dated Quebec, 23d October 1817;—One Inclosure.

My Lord, Quebec, 23d October 1817.

I HAVE the honour to inclose your Lordship copy of a letter I lately received from Mr. Coltman, one of the commissioners of special inquiry in the Indian territory.

As the winter season is fast approaching, there is every reason to believe that Mr. Coltman will soon return (his colleague Mr. Fletcher having already arrived,) of which circumstance I shall not fail to acquaint your Lordship, as well as of any further information I may obtain from that gentleman, on the subject of his mission.

I have, &c.

The Earl Bathurst, &c. &c. &c. (Signed) *J. C. Sherbrooke.*

Inclosure (1) In Sir J. C. Sherbrooke's, of 23d October 1817.

Sir, Bas de la Rivière Winnipic, 8th August 1817.

I had the honour of addressing your Excellency on the 29th ult. and had the next day the satisfaction of being joined by Lieut. Austin, with 12 men and a serjeant of the 70th regiment, and Lieut. Johnson, of the Indian department.

I lost no time in completing my arrangements for the occupation of Fort Douglass by this party, and have the satisfaction to report to your Excellency, that they are now in comfortable quarters therein, and in possession of all the artillery on Red River.

Circumstances, with which I am yet but partially acquainted, having determined major Fletcher to wait at Fort William, till he learnt from me that his presence was absolutely necessary in the interior, I feel, under all circumstances, some doubts about his proceeding at all, or at least for a considerable time, and have in consequence been obliged to decide certain points, in which I should have much wished for the assistance of his judgment; the most material was the bailing of the Earl of Selkirk, which on the best reflection I could bestow on the subject, I have conceived it my duty to do, before leaving even for a short period the place of his residence, and I have accordingly bound himself in £.6,000, and two sureties, Mr. Gale, the barrister, of Montreal, and Lieut. Colonel Dickson, late of the Indian department, in £.3,000 each, for his Lordship's appearance at Montreal, the 1st day of March next, with a special clause in the bond, reserving His Majesty's right of causing the offences to be tried at any other court. I have in like manner bailed Captains Matthey,

Matthey, D'Orsonnens, and Dr. Allan, to appear at the same time and place, the former in £. 2,000, and the two latter in £. 1,500 each, with the same sureties as for his Lordship, in half the sums each for which the principals are bound. It appeared clear to me, that there was no offence with which these parties stood accused before me, which was not bailable by law, and the only doubt on my mind was, whether altogether they might not by their frequent repetition have amounted to what the statute calls manifest offences, but in judging of these, the few law authors I have with me, appear to consider that a considerable discretion is left to the magistrate; and as there are various extenuating circumstances in most of the cases, and as the security offered, considering the nature of the country, was highly unexceptionable, I thought it right to accept of it. Exclusive of the immediate circumstances of the cases on which of course my decision principally rested, there were other considerations of expediency, which added to the frankness with which the Earl of Selkirk and his adherents have constantly placed themselves within the legal control of the commission, had some weight in my determination; these are principally the importance and difficulty (which latter would have been greatly increased by any measures of personal harshness towards his Lordship) of attaining evidence respecting the charges which the Earl of Selkirk brings against the North-West company (and which I fear are but too well founded, as to many individuals, if not the larger number of the partners,) of a deliberate plan and conspiracy for the destruction of the colony on Red River, and for the forcible prevention of the Hudson's Bay company's servants in their attempts to penetrate into the Athabasca country, where it appears certain that Mr. M^c Leod and those acting with him, have during the course of last winter, under different pretexts, confined the persons of every one in the Hudson's Bay service, between 50 to 100 persons, with the exception of one or two who have made their escape, and seized the property in their charge. It is to investigate this latter affair, and further to provide as far as possible, for the security and liberation of the persons confined, that I have moved to this place, at the period of the return of the Athabasca canoes; after their passage, I shall again visit the Red River, as I was under the necessity of coming away from thence before the evidence there could be got through. At that place I shall wait at all events for the return of Mr. Johnson, who goes down in my canoe to Lac la Pluie, to bring up a month's provisions for the troops, who will then be victualled up to the 10th October, and the Hudson's Bay supply is expected to arrive early in September; this latter event it is probable I may myself wait for, should I finally deem it advisable to have the troops for the winter; the circumstance of one officer alone being sent with the whole detachment, interferes with my views in this respect very materially, but still the inclination of my mind on the strong grounds which I have already had the honour of stating to your Excellency, is in favour of the measure, if lieutenant Johnson or any discreet person unconnected with the parties, can be prevailed upon to winter, to whom the serjeant of the party might look up for advice and orders, in case of difficulty.

Lieutenant Austin, who came up only in consequence of the wishes of major Fletcher, and his own zeal for the service, is of course anxious to return to the larger body of troops under his orders, and accordingly proceeds with the present brigade, which also conveys down the prisoners from Fort Douglas, consisting of M^cLellan and Lamar, under indictment, the former for Keveney's murder, and Menville, the person who actually shot him. Bostonnais Pangman, one of the half-breed leaders, under indictment for aiding to plunder the colonial cannon in 1815, also goes down to take his trial, having surrendered voluntarily. The detachment of the 37th regiment returns also under the charge of Mr. Austin (the serjeant being under arrest with the party,) to Fort William, from whence that officer will take the first favourable opportunity of proceeding with the whole of the troops there to Drummond's Island, unless it should appear material to leave a detachment not exceeding six men and a non-commissioned officer with major Fletcher, which in case of application from that gentleman I have desired Mr. Austin to furnish, provided he can be assured of subsequent safe conveyance for such detachment, under the agreement of Goverment with the North-West company for transport; a circumstance, the importance whereof I recollect your Excellency dwelling upon in strong terms, and in fact the considerations connected herewith, and the difficulty of bringing down the detachment at Red River, under all the circumstances of the case, in time to cross Lake Superior at an eligible season, is a material reason in favour of their being allowed to winter.

The detachment of the 37th regiment will, I presume, meet their further orders at Drummond's Island, in conformity to the general order of the 15th of May last,

which as I apprehend, cancels the previous instructions to the commissioners, for these men to accompany themselves to Kingston; their present orders may however probably still be for to proceed and join their regiment at Kingston; if so it will be fortunate, as I find from the difficulty of meeting with persons in this country, unconnected with one or other of the parties, the Chief Justice of Montreal has directed his bench warrants against most of the indicted persons to the individuals of this detachment; and I have thought it right to follow the example as to Menville, who proceeds in company with the others.

The Earl of Selkirk, as the original complainant, has arranged with me to furnish a guard of six Meurons, to assist in the duty of attending to the safe custody of the prisoners; this guard is under the charge of a respectable young man named La Croix, whom his Lordship has recommended to be appointed a constable, and the whole further under the direction of a Mr. M'Leod, of the Hudson's Bay service, who is going down under bail.

These persons might take on the prisoners from Drummond's Island, should the military duties of the detachment of the 37th regiment (which must in their case be considered as superior to their civil obligations) prevent their going on; but the same causes which first led to the insertion of the military in the warrant, would still make it desirable for them to proceed as far as possible. Under the peculiar situation of serjeant Pugh, I have thought it right only to inform himself and the detachment of the nature of the warrants, but to deliver them to Mr. Austin; and I have taken the liberty to mention this circumstance to the officer in command at Drummond's Island, that he may consider of the further propriety of requesting the same officer to continue with the party to Kingston, if your Excellency's orders are for the detachment to proceed there, and the service in other respects admits of his absence; this arrangement, as it appears to me, would have the best tendency towards ensuring the safe delivery of serjeant Pugh, and the civil prisoners at Kingston, without unnecessary severity towards themselves.

I have the honour to be, &c.

His Excellency Lieut. Gen. Sir J. C. Sherbrooke, G. C. B. &c. &c. &c.

(Signed) *W. B. Coltman.*

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No. 31.

Copy of a Dispatch from Lieut. General Sir John C. Sherbrooke to the Earl Bathurst, K. G. dated Quebec, 27th November 1817.

My Lord, Quebec, 27th November 1817.

IT is with considerable satisfaction that I inform your Lordship of the return of Mr. Coltman from his mission to the Indian territories, and that the general result of his exertions has been so far successful, that he has restored a degree of tranquillity there which promises to continue during the Winter, and has procured a mass of information, that may throw a light on past transactions, and serve for a guide for future measures.

Mr. Coltman has not yet been able to prepare his general report; but by the partial statements I have received from him, it appears that both parties continued, up to the time of his departure from the Red River, to pay due obedience to the proclamation of His Royal Highness the Prince Regent, and that copies of that proclamation had been forwarded to the most distant posts, with a circular letter from Mr. Coltman, explaining its views, and placing in a forcible light the motives, and the necessity of submission to it.

From these measures, and from the personal presence and influence of Mr. Coltman, it has resulted, that not only no further violence has been committed, but the pre-existing irritation has been considerably allayed, and some of the persons concerned in the former violences have come forward voluntarily, and given themselves up to take their trial on the indictments found at Montreal against them. Two persons, named Grant and Cadotte, who were indicted as accessaries to the murder of Owen Keveney, are among those who have surrendered themselves; and they preceded Mr. Coltman to Montreal.

The Earl of Selkirk, and the officers of the late De Meuron's regiment who were with him, having been served with process of arrest for the alleged rescue committed by them at Fort William, last Winter, Mr. Coltman very properly admitted them to bail; and his Lordship is now daily expected at Montreal, where both he and the officers have declared their readiness to submit to a trial.

Mr. Coltman

Mr. Coltman proposes, after he shall have completed his general report on the subject of the mission, to return to Montreal, where he is in hopes that he will be enabled to moderate still farther the spirit of both parties, and to bring them nearer to an amicable accommodation during the Winter. I confess to your Lordship, that I do not myself entertain any sanguine expectations of so happy a result. But whether it be attained or not, I owe it to Mr. Coltman to assure your Lordship, that to his moderation, firmness and well advised measures, and to the liberal view he has taken of the transactions in the Indian country (considering them as the sudden results rather of mutual irritation and individual violence, than of settled plans against the public peace,) it is mainly owing that tranquillity has been so far restored to those territories, so lately the theatre of disorder and outrage.

I have, &c.

The Earl Bathurst, &c. &c. &c. (Signed) *J. C. Sherbrooke.*

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Copy of a Dispatch from Lieut. General Sir John C. Sherbrooke to the Earl Bathurst, K. G.; dated Quebec, 17th December 1817. No. 32.

My Lord, Quebec, 17th December 1817.

I Have the honour to acquaint your Lordship, that on the petitions of the different persons charged with offences in the Indian territories, stating, that their witnesses are chiefly in Upper Canada, and praying to be removed thither for trial; as also from my own convictions of the necessity, on this and other grounds of such removal, I have, with the advice of the executive council, supported as it is by the general principles laid down in your Lordship's dispatch, No. 107, of the 13th June last, caused instruments to be issued in due form of law, for removing to Upper Canada the persons and proceedings in question. And this I have done after due communication with the Government of Upper Canada, and under the authority of the Act of the Imperial Parliament of the 43d Geo. 3d, c. 138th, sect. 3d, by which it is provided, that "If the Governor or Lieutenant Governor, or person administering "this government for the time being, shall from any circumstances of the crime or "offence, or the local situation of any of the witnesses for the prosecution or "defence, think that justice may be more conveniently administered in relation to "such crime or offence in the province of Upper Canada, and shall by any instru-"ment, under the great seal of this province, declare the same, then that every "such offender may and shall be prosecuted and tried in Upper Canada."

I have, &c.

The Earl Bathurst, &c. &c. &c. (Signed) *J. C. Sherbrooke.*

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Copy of a Dispatch from Lieut. General Sir John C. Sherbrooke to the Earl Bathurst; dated Quebec, 7th April 1818:—Four Inclosures. No. 33.

My Lord, Quebec, 7th April 1818.

I Have the honour to inform your Lordship, that by the recommendation of the executive council, on the petitions of divers persons servants of the Hudson's Bay company, or adherents of Lord Selkirk, accused of offences committed in the Indian territories, I issued in the beginning of February, a special commission of oyer and terminer, for the trial at Montreal of these cases, and such others of a similar nature as should be brought before it.

This special commission was rendered necessary by the incompetency of the Court of King's Bench at Montreal to try these cases; one of the judges being under suspension, and the two others from conscientious motives withdrawing themselves from the bench, in all cases in which the North-West company are either the accused or the accusers.

It was impossible to open the commission before the 20th February; and although many bills of indictment were found by the grand jury, chiefly against the servants and partners of the North-West company, it was equally impossible to bring even one case to trial before the 1st of March, when the powers of the special commission were determined by the occurrence of the ordinary terms of the King's Bench for the trial of criminal causes; and the proceedings of the special court were then adjourned over to the 4th May.

The grand jury that came before the Court of King's Bench having found a number of bills of indictment against the servants of the Hudson's Bay company, and the adherents of Lord Selkirk, which another grand jury had but the week before thrown out, the crown officers were induced by this fact, as well as by the evident bias of the public mind there to one party or the other, to stay all proceedings whatever, and to report to me their opinion, that no impartial trial could be had there.

Influenced also by these impressions, and aware that I would not allow the trials of the person charged with the murder of Owen Keveney, to take place out of the province, they removed the prisoners and witnesses in those cases to this place, where the session of the criminal court commenced on the 20th ultimo.

Here too I lament to state, that the term did not allow the proceedings to be carried to a conclusion; and in referring your Lordship to the inclosed copy of a letter from the Crown officers, stating the extent of those proceedings, and the cause of the interruption of them, I beg leave to inform your Lordship also, that I have determined to adopt the recommendation of those gentlemen, by issuing a special commission of oyer and terminer for this district, before which I trust a verdict will be obtained in these long pending cases.

Lord Selkirk having urged me much to instruct the Crown officers to avail themselves of the assistance of his legal advisers, in conducting the prosecutions against the persons accused by him, although I did not feel justified in giving such a positive instruction, I nevertheless left it optional with the Crown officers to do so, if they should think it would tend to the good of the King's service.

I have the honour to transmit to your Lordship, copy of the report of these gentlemen, declining to permit the council of the Earl of Selkirk to assist in conducting the prosecutions: And although I acquiesce in the justice of the ground they have stated for this course, and can myself see other reasons which would render it highly inexpedient to admit the interference of the private counsel of either party to a share in conducting prosecutions which have already been too much influenced by the private feelings of both, I consider it but fair towards Lord Selkirk, to transmit your Lordship extracts of his letter, protesting against this exclusion, that your Lordship may be aware of the reasoning which he brings against it, and of the inference also which he draws, that he cannot in justice any longer be held responsible by His Majesty's Government for the issue of prosecutions over the conduct of which he has no control; and I trust, that if your Lordship shall be of opinion, that the Earl of Selkirk should be allowed the privilege he claims, you will favour me with specific instructions to this effect.

At the same time, however, as his Lordship's reasoning is grounded on the alleged inadequacy of the Crown officers to perform their duty properly in these cases, unassisted, justice equally demands that I should transmit to your Lordship copy of their reply. I have the honour to be, &c.

The Right Hon. the Earl Bathurst. (Signed) *J. C. Sherbrooke.*

Inclosure (1) in Sir J. C. Sherbrooke's, of 7th April 1818.

Sir, Quebec, 27th March 1818.

In answer to your letter of the 26th inst. we have the honour to inform you, for the information of his Excellency the Governor in Chief, that we shall most readily receive the assistance of Lord Selkirk's legal advisers, by receiving any information they may possess.

Hitherto all Crown prosecutions in Canada have been conducted by the Crown officers; and as they are held responsible for the mode of carrying them on, we cannot allow the law advisers of Lord Selkirk to take a part in conducting the prosecutions, or the examination of witnesses, unless we receive instructions from His Majesty's Government to that effect. We have the honour to be, &c.

(Signed) *N. F. Uniacke,* Attorney General.
*Andrew W^m Cochran,* Esq. *Charles Marshall,* Solicitor General.

Inclosure (2.)

Sir, Quebec, 2d April 1818.

We have the honour to acknowledge the receipt of your letter of the 1st instant, and to state, for the information of his Excellency the Governor in Chief, that the trial of Charles de Reinhardt and Archibald M^cLellan, came on on Monday morning last,

last, and continued, with the interval of adjournment from Monday night, until Tuesday evening. The term necessarily closing at twelve o'clock on that night, and there being many witnesses on the part of the Crown still to be examined, a juror was withdrawn with the consent of the prisoners, by which means the case is left in the same situation as if no trial had been commenced.

The course which we conceive the most advisable to be pursued, will be to issue a commission of oyer and terminer, for the 21st instant, which may be adjourned over in case the business in the court of appeals should render it necessary.

The reason why we press the opening of the commission on as early a day as possible is, that by so doing the formal and preliminary parts of the proceedings may be at once got through, and a subsequent day fixed for the trial, as may suit the convenience of the judges.

We regret exceedingly, that the extraordinary length of the case should have prevented its being brought to a conclusion; but we should not be doing justice to ourselves, were we not to state the reasons why this trial did not come on at an earlier period of the term.

The bill of indictment was in perfect readiness to have gone before the grand jury on the first day of the term; on the preceding day, however, one of the counsel of the Earl of Selkirk arrived at Quebec, and urged the expediency of making some change in the bill of indictment, which was accordingly re-drawn and engrossed. On the second day of the term, another of the Earl of Selkirk's law advisers arrived, and suggested new alterations, to which also, though we did not think them essential, we acceded; being actuated, on both occasions, by an anxiety to comply with every suggestion of the prosecutor.

In consequence of these delays the bill of indictment was not found, till late on Tuesday the fourth day of the term. It would have been scarcely fair, on the part of the Crown, to have insisted on going to trial the next day; and the obvious inconvenience of commencing a trial of such length on the Saturday, suggested the necessity of fixing it for Monday.

We have the honour to be, &c.

(Signed) *Norman F. Uniacke*, Attorney General.
*Charles Marshall*, Solicitor General.

A. W. Cochran, Esq.

Extract of a Letter, dated March 30th, 1818, from the Earl of Selkirk to his Excellency Sir John C. Sherbrooke, G. C. B.

Inclosure (3) in Sir J. C. Sherbrooke's, of 7th April 1818.

"It will be evident to your Excellency, that the examination of the witnesses is so essential a point, that if that be not properly conducted, nothing else can supply the defect. Whatever may be the information which a witness possesses, it will not come out before the jury unless he be properly questioned; and to put the questions properly, especially in a case that depends much upon circumstantial evidence, requires an intimate knowledge of the facts of the case, as stated in the preliminary examinations of all the witnesses. I have already pointed out to your Excellency the improbability, that in any of the cases which are likely to come forward, relative to transactions in the Indian countries, the law officers of the Crown should be as well acquainted with the facts as the counsel of the private prosecutors. In the case that is now before the Court, relative to the murder of Keveney, this is particularly exemplified; for though the counsel of the Hudson's Bay company have been in readiness both here and at Montreal, to communicate every information that might be required from them, the Attorney and Solicitor General have been so fully occupied with other business, that it is only within the last two or three days that they have found time to pay any attention to the case; and within four-and-twenty hours of the time when the trial was to begin, they had not seen some of the most material witnesses. It will be proof of extraordinary exertion and of an uncommon degree of readiness, if with so short a preparation these gentlemen can have qualified themselves to conduct the examination, even of the witnesses for the prosecution; and I conceive it to be utterly impossible for them to be prepared to cross-examine the witnesses for the defence. I have reason to believe, that the friends of the prisoners have obtained information as to every iota of the evidence to be produced against them; so that if they should attempt, by means of suborned witnesses, to give a different colour to the transaction, they know exactly how to shape their story in the most plausible manner. Such an attempt might probably

be defeated by an able and rigorous cross-examination; but it must be evident, that without a complete knowledge of the real facts, and a familiar recollection of the evidence on each point of the case, no advocate can be prepared to detect a well-concerted perjury.

"Even in the point of language, the Attorney and Solicitor General are under great disadvantages, as neither of them are very ready in the use of the French language, and they seem to be quite unacquainted with the peculiar phrases and idioms which prevail among the peasantry of this province, so that it may admit of much doubt, whether their questions will always be intelligible to the witnesses.

"In these circumstances, though I feel perfectly confident that there is evidence on the spot, abundantly sufficient to establish the guilt of both the prisoners, yet I shall not be surprised if that evidence should be so imperfectly brought out, as to fail in producing their conviction. An acquittal under such circumstances will screen them from punishment, but cannot be referred to as a proof of their innocence, or as inferring any presumption that the charges have been brought forward on light and insufficient grounds. On that point I cannot feel any great weight of responsibility as to the case that is now under trial, as the bills of indictment found last year in the Court of King's Bench at Montreal, and the proclamation which your Excellency was pleased to issue thereupon, are more than sufficient to justify any part which I have had occasion to take in the business.

"But when I consider the principle which the Attorney General has laid down as the rule of his conduct, and look forward to the application of the same principle in other cases, I must be allowed to say, that it would be the height of injustice, if the result of these trials, conducted as they are likely to be, should be considered as a failure on my part to substantiate the accusations that I have brought forward; and I flatter myself, that your Excellency will not think it unreasonable to represent to Lord Bathurst the impropriety of his drawing any such conclusion, or making it the ground of any determination, as to the conduct to be pursued by Government.

"I flatter myself also, that your Excellency may see fit to make a representation to Government of the very serious and alarming consequences which may be expected, if the principle now laid down by the Attorney General should be adhered to, as a permanent rule for the conduct of the law officers of the Crown in this province.

"The Attorney General must be sensible that a different and opposite rule is established in England, and that private prosecutors are there at full liberty to employ their own counsel to conduct prosecutions in the name of the Crown; and I beg leave to observe, that if it were not so, the law officers of the Crown would be invested with a power of the most dangerous extent, no less than that of affording impunity to any offender whom they may chuse to favour, however atrocious his crimes may be. I am too well acquainted with the honourable character of Mr. Uniacke, and persuaded of the integrity of his colleague, to suppose any possibility of their being guilty of an intentional dereliction of duty. But the confidence that is reposed in the individuals who for the time being hold these situations, cannot be made the ground for a general and permanent rule as to the duties of the office; and it is certainly a possible case, that these situations might come to be filled by persons of an opposite character, who, from corrupt motives, might be desirous to screen a criminal of the highest order from the punishment due to his crimes; and how is this to be prevented, if the individuals who are particularly aggrieved by these crimes, are to be excluded from any share in the management of the prosecutions, if the proceedings are to be conducted entirely by an officer, who may bring forward as little of the evidence as he sees fit, and may bring the prisoner to trial in such a manner as to screen him in all time coming, by enabling him to plead *autrefois acquit*."

Inclosure (4) in Sir J. C. Sherbrooke's, of 7th April 1818.

Extract of a Letter, dated the 4th of April 1818, from the Attorney and Solicitor General, to Mr. Secretary Cochran.

"We cannot refrain from expressing our surprise at the letter of the Earl of Selkirk, of the 30th of March last, to his Excellency the Governor in Chief, which his Excellency's candour and condescension have induced him to lay before us, and on which we beg to offer a few observations.

"It is true, that we refused to allow the counsel of the Earl of Selkirk to participate in the conducting of the case in question, either in addressing the Jury or examining the witnesses; first, because we thought it unnecessary; and secondly, because the responsibility,

responsibility, both as to maintaining the dignity of the Crown, and making out the case according to the facts, resting on the Crown officers, we conceived that it would be inconsistent with their duty to admit of the interference of a counsel of a private prosecutor; but we were ready, and did expect to have received either from his Lordship or his professional advisers, that which it is the duty of every prosecutor to furnish, all possible information not only previously to, but during the trial.

"We perfectly agree with his Lordship, that an intimate knowledge of the facts is necessary for the proper management of this and of every other case; but we are bound to suppose, that every information is contained in the very ample depositions which have been taken on the subject, and which have been most attentively read and considered by us. Being then in possession of all the facts of the case, his Lordship will excuse us, if we presume to think ourselves competent to "put the questions properly," and to bring every fact before the jury, which the rules of evidence, and the practice of British criminal courts of justice will admit of. And we feel assured, that his Excellency will not, without more impartial authority, condemn His Majesty's Crown officers for refusing an interference, which it might have been construed into an admission of incompetence on their part to have allowed.

"We hope and trust, that when the Earl of Selkirk took upon himself to assert, that "the Attorney and Solicitor General have been so fully occupied with other business, "that it is only within the last two or three days (before the trial,) that they have "found time to pay any attention to the case;" his Lordship was not aware of the many hours, during which, for some weeks past, they have been occupied with it, nor that the whole of Saturday and Sunday preceding the late term, and a considerable part of the week, were occupied in preparing, altering and re-altering the bill of indictment, in compliance with the successive suggestions of his Lordship's law advisers, as they respectively arrived in Quebec. Indeed, the only point on which we can admit that any blame can attach to us, is in having allowed the time to be consumed in making alterations which we then deemed, and which the evidence has since proved, to have been unnecessary. The same observations apply to the cross-examinations of the prisoners witnesses; we do not pretend to a spirit of divination, as to the line of defence which will be adopted; but neither do we admit our inadequacy to fulfil this branch of our duty.

"In answer to the observations which the Earl of Selkirk has thought proper to make with respect to the French language, we believe we may assert with the same degree of confidence, that the jury understood every observation which we addressed to them; and that we were also fortunate enough to make ourselves perfectly intelligible to the witnesses, the principal of whom his Lordship ought to recollect were most fully examined by us, in the presence of his Lordship's counsel on Sunday last, the day preceding the trial.

"With respect to the other observations of his Lordship as to this particular case, it is only necessary to observe, that if, in the progress of it, it should appear that we have been guilty of a neglect of duty, or have discovered want of legal skill in the execution of it, we should be liable to animadversion from His Majesty's Government; and though we must decline the Earl of Selkirk as our judge, we should have no objection to meet him as our accuser.

"As to the application of the principle, which the Earl of Selkirk so earnestly deprecates, to other cases in which his Lordship may be the private prosecutor, we beg to state our fixed determination, not to admit of any interference in any prosecutions instituted by the Attorney General, until we receive positive commands from His Majesty's Government to that purpose. We think, however, that there is a course by which the Earl of Selkirk might obtain the management of subsequent prosecutions to the fullest extent; viz. by preferring himself bills of indictment to the grand jury, and we should not object to those prosecutions being conducted altogether by his Lordship's counsel.

"The Earl of Selkirk cannot seriously think of building any argument against the line of conduct which we have pursued, on the practice in England, where there is no Crown officer appointed for the conducting criminal prosecutions, except in cases of state offenders. In this province, the prosecution of all offences constitutes the principal functions of the Crown officers; and the possibility of an abuse of the trust reposed in them, would apply with equal force against the exercise of every other species of authority, which is exclusively vested in the officers of Government."

No. 34.

Copy of a Dispatch from Lieut. General Sir John C. Sherbrooke, G. C. B. to the Earl Bathurst, K. G.; dated Quebec, 16th May 1818:—Ten Inclosures.

My Lord, Quebec, May 16th, 1818.

I avail myself of the first opportunity to transmit to your Lordship the inclosed report, and the accompanying documents, from Mr. Coltman, (which, from the causes mentioned by him in the beginning of his report, I only received yesterday,) stating the general impressions made on his mind by the evidence collected by him respecting the disturbances in the Indian territories.

I deem it unnecessary for me to offer any observations to your Lordship on this very able statement; excepting that part of it in which Mr. Coltman points out the course which, in his opinion, it will be advisable for Government to adopt; which he suggests might be, in the first place, by the interference of Government in the prosecutions now pending on both sides, with a view to a selection from each of the most aggravated cases only, for trial and punishment; and, in the second place, by the Government taking into its hands the civil government of the Indian country, and the territories claimed by the Hudson's Bay company, which he considers to be both justified and rendered necessary by the misconduct of both parties, which has laid them at the mercy of the King's Government.

This last suggestion I cannot pass over without strongly recommending it to your Lordship, as affording, in my opinion, the only prospect of preserving tranquillity in those countries. But on the propriety of the Government interfering with the prosecutions now pending on both sides, as suggested by Mr. Coltman, I forbear to offer any comment, as his opinion on this point is formed on a view he has taken of the guilt or misconduct of both parties; of the correctness of which I wish your Lordship, on a perusal of his statement, to form an unbiassed judgment.

In laying this statement, however, before your Lordship, I beg leave to add, that as it touches on some points of a delicate nature, and has been submitted to me confidentially by Mr. Coltman, as one of my executive counsel, I trust that it will be considered so also by your Lordship.

I have the honour to be, &c.

The Right Hon. the Earl Bathurst, K. G. (Signed) *J. C. Sherbrooke.*

Inclosure (1) in Sir J. C. Sherbrooke's, of 16th May 1818.

Sir, Quebec, 14th May 1818.

I had the honour to receive your Excellency's commands, signified to me in Mr. Secretary Cochran's letter of the 3d of last month, that I should furnish a statement of my own impressions, as to the evidence I had collected respecting the disturbances in the Indian territories; this I thought at the time would have required the labour of only a few days; but on endeavouring to explain my ideas on paper, I found it impossible even satisfactorily to account to myself, and more so, clearly to explain to another my opinions, except by a reference to, and some detail of, the evidence bearing on each point, which I consequently found myself obliged to commit to paper. To render this statement intelligible, I have since found it necessary to arrange it according to the date of the occurrences, and it has extended to a length, and required a degree of time and labour, of which I had no previous idea; although completed, as yet, so far only as to include the melancholy affair of the 19th June 1816. I trust your Excellency will not, however, disapprove of the mode I have adopted; as, exclusive of its appearing to me to be the only practicable means by which I could make an intelligible report of the facts, which I conceive to have been established before me, I scarce know how I could otherwise avoid the risk of troubling your Excellency with crude and undigested opinions of my own. An incidental advantage of the course adopted has also been, that it has included so minute an examination of all the material evidence, that your Excellency may probably deem it unnecessary for me to complete that detailed analysis of the facts stated in each deposition, which I mentioned in my letter to Mr. Cochran of the 2d ultimo; for I now feel satisfied that I have ascertained, as far as my best judgment and attention will enable me to do, the principal facts established before me, and the fair inferences to be drawn therefrom; I still feel, however, most sincerely anxious, that before my opinions are in any shape acted upon, the whole evidence should be submitted to persons more qualified than myself, by education and habit, to estimate testimony and judge of legal questions; and at the same time freer from the possibility of

of bias or prejudice, than any human beings personally, and rather intimately acquainted with all the parties, can suppose himself to be, however satisfied he may feel of his own conscientious anxiety to act with perfect impartiality. Such examination will, however, I conceive be better made by a reference to the original depositions, the whole of which have been arranged under the respective heads to which they principally relate, and are generally referred to by number in the Statement, than from any analysis I could prepare. One advantage of my minute examination of the evidence, during the period to which the Statement extends, is that (joined to the general review I have necessarily taken of the subsequent events) I thereby feel confident, that in stating, agreeable to your Excellency's orders, "the general result "of my inquiries into the occurrences in the Indian territories," I shall at least communicate the substance of attentive and unbiassed reflexions upon the occurrences during that period, when the original plans of the parties were formed and began to develope themselves; for after the affair of the 19th June, and the seizure of Fort William consequent thereon, the one party appears to have acted on the assumption, in a great measure perhaps sincere, that their opponents were to be considered as rebels and enemies to Government, as well as to themselves; and the other party, on a like assumption, that their adversaries had adopted the principles of military plunderers, and were to be resisted as such; accordingly, neither appear to pretend that during this latter period, their proceedings are conformable to the dictates of law in ordinary cases, but endeavour to justify or excuse them by the peculiar circumstances in which they were placed; and this much at least, it appears to me, must be allowed, that after these events, they respectively acted so far under the impulse of irritated feelings, that great allowances are to be made for their proceedings.

Having, under all these considerations, at length finally and deliberately made up my opinions, I think it right to lose no time in communicating them to your Excellency, with that sincerity and unreserve which I feel to be my duty; in doing so, however, I beg your Excellency will believe, that I do not feel the less sensible of the probability of material errors in the judgments I may have formed. I have already had the honour of stating to your Excellency, verbally, my own general opinion, that material faults had been committed by both parties on the Indian territories; this opinion has since been so far confirmed, that I now feel little doubt that both will ultimately be found entirely at the mercy of Government. It appears to me to be established by testimony, which leaves no moral doubt of the fact, as well as that legal evidence thereof may be procured in England, that the Earl of Selkirk had acquired in his own name, or those of himself and immediate family connexions, so large a proportion of the Hudson's Bay company's stock (the whole of which is only about £. 150,000,) that he would command a positive majority of votes at the company's public proceedings; that he gradually modelled the committee, by which its ordinary affairs are conducted much according to his private views and interests; and that, in consequence of these circumstances principally he obtained in 1811, a grant of the large tract of country in the neighbourhood of Red River, which has since been denominated Assiniboine, and over which Mr. M'Donnell, whom the Earl had selected as his agent, for the purpose of establishing an agricultural settlement, was appointed Governor by the Hudson's Bay company, who still nominally retained in their hands the jurisdiction of the country; this appointment, however, appears neither to have been submitted for the approbation of the Crown, as required by the statute 7 and 8 William III, chap. 22, nor did the gentleman so appointed ever take the necessary oaths of office. About the same time, it appears also, that plans for the more active pursuit of the company's trade, a more vigorous opposition to the encroachments of the North-West company, and a gradual enforcement of the rights of their charter, were adopted by their new committee, and some measures even of considerable violence are shown to have been directed by the Earl himself as early as 1812, in a letter to one of the company's principal officers.

As however the charter of the company was more accurately examined, it was found prudent to confine their pretentions to the rights of territory and jurisdiction, which, could they be completely enforced, might afford the means of ensuring the monopoly of the company, as efficaciously as the more direct provisions of the charter for that purpose. To enter into a detail of the proceedings adopted to give effect to their rights, would be to repeat the substance of the statement; I shall therefore confine myself to a few leading facts. In the measure of embargo, Miles M'Donnell appears to have received the support of Mr. William Auld, then a Governor, and of most of the principal servants of the Hudson's Bay company, who were in the neigh-

bourhood of the Red River; he states indeed, that it was on a suggestion of Governor Auld's he first adopted the measure; there appears no evidence to show, that it was either ordered or subsequently approved by the Earl of Selkirk or the Hudson's Bay company; the reverse indeed might be rather inferred, although there has been no public disavowal of the measure, and Miles M'Donnell was again confirmed in his situation as Governor, at the public meeting of the company held in May 1815, for the purpose of adopting measures to give effect to their rights of jurisdiction. Other measures in support of their territorial rights were already in a course of operation, notices having been given in October 1814, to the persons in charge of the different North-West posts in the district of Assiniboine, to quit the same within six months, a measure which, adopted by one Governor of the Hudson's Bay company (M'Donnell,) carried into practical execution by a confidential agent of the company (Colin Robertson,) and approved and supported by their Governor General (Mr. Semple,) certainly carries with it a strong presumption of its being conformable to the company's orders. Of the approval, if not the previous direction of the measure by the Earl of Selkirk, there is direct evidence in his Lordship's letter of 30th March 1816, to Colin Robertson, wherein he mentions, there can be no doubt the North-West company must be obliged to quit all their intrusive possessions upon his lands, and particularly the post at the Forks; a further, though indirect proof to the same effect, is afforded by a similar proceeding being adopted as the basis of captain D'Orsonnen's measures for getting possession of the North-West post at Lac la Pluie, when sent forward by the Earl of Selkirk, at the head of a party of that anomalous force of men disbanded from the Meuron regiment, who were engaged by the Earl in his own name, and that of the Hudson's Bay company, to act as militia-men in case of attack by any enemy whatsoever, and with the promise of the same provision in case of being wounded as if in the King's service, and this in a place where no militia laws existed, and where there was no probability of contest except with their fellow-subjects, whom it appears to have been determined forcibly to expel from a country which they, or their immediate connections and predecessors, had occupied for nearly half a century, and the French traders to whom they succeeded, for a period beyond the memory of man, probably not much short of a century. In favour of their rights of territory and jurisdiction, the Hudson's Bay company have certainly obtained legal opinions of the highest character; but the case stated to the gentlemen who gave these opinions they have not published; and from the general tenor of the proceedings, it is reasonable to infer, that it did not explain the very important circumstance of the long previous occupation of the country by others; and that in practically enforcing their territorial rights, it was intended by the exercise of those of jurisdiction, the persons to decide as judges must necessarily be those standing at the same time in the situation of parties interested; a result so contrary to all principles either of law or equity, that one cannot but suppose the very respectable persons who gave the legal opinions in question, had they been aware thereof, would have pointed out some different course of proceeding, or if it has been urged by the legal agents of the Earl of Selkirk at Montreal, none other existed in the ordinary course of law, that they would have suggested the duty in such extreme case of a resort to the Legislature. Under whatever circumstances the legal opinions have however been given, they will be found by no means to justify the course that has subsequently been pursued; they state, indeed, that the grant of civil and criminal jurisdiction is valid, and is to be exercised by the governor and council as judges, who are to proceed according to the laws of England; and that the sheriff appointed by the company, in case of resistance to his authority, may call out the population to his assistance, and may put arms into the hands of their servants for defence against attack, and to assist in enforcing the judgments of the court; but they further add, such powers cannot be exercised with too much circumspection. Of this opinion, no part can surely be contended to authorize the seizing by force any posts occupied by other persons, merely on the notice of six months given by Miles M'Donnell, which it will be observed he gave only as agent for the Earl of Selkirk, without any one of those formalities required by law for the proper trial and judgment of the matter, and which ought necessarily to have included a due provision for appeal to England, (the right of which has never been denied,) and this whether such seizure was to be attempted with or without a warrant, the latter of which, to be issued by the Governor, the Earl of Selkirk appears in his letter to Robertson, to consider as necessary to render the measure legal; whereas Governor Semple states, that the treatment of the notice with contempt, alone legalized the application of force. That persons of the talents and information of the Earl of Selkirk, and gentlemen in question, could be

so far misled as seriously to entertain the opinion, that any summary appeal to force, of the nature contemplated by them, could really be consistent with law, it is difficult to conceive. Admitting such, however, as the more candid opinions, it will I apprehend alter but little the moral responsibility of the parties; for the adoption of measures of agression likely to endanger the peace of the country, on such crude and unfounded ideas, shows so blameable a disregard of consequences, as would under ignorance of the law, less than in almost any other case, a valid excuse. On the whole, the impression on my mind is, that the circumstances I have mentioned, (and which will as I apprehend be found further supported by the details in the statement,) when taken in conjunction with the long period during which the Hudson's Bay company had allowed its claims to lay dormant, and neglected the establishment of any jurisdiction, (which neglect principally gave rise to the Act of the 43 Geo. III, ch. 138, and has evidently been the cause of the disorders which have so long prevailed in the Indian territories,) form altogether a case nonuser and misuser, which I am disposed to think leaves their charter entirely at the mercy of Government, whether the question be brought before the ordinary courts of law or before Parliament. I am not certain, indeed, that the mere circumstance of having allowed so complete a control to be obtained over the company by an individual, is not alone such a misuser as to invalidate their charter. On these legal points I must, however, beg it to be fully understood by your Excellency, that I speak with extreme diffidence, although of the moral case for Parliament, I can scarcely feel any hesitation; at the same time that the importance of the question, the pertinacity of the parties, and the difficulty of bringing the matter fairly to an issue in the ordinary courts of law, seem to render an appeal to the supreme authority almost inevitable.

Whilst such appears to me to be the case, established by the evidence against the Hudson's Bay company, that against the North-West company is still more strong and clear; as their violations of law have evidently been much greater, and attended with results shocking to the feelings of humanity; at the same time that they have no pretexts of legal rights, by which they may have been misled, nor any claims upon Government, for more than the ordinary protection of law; any pretension they might have made, as a body, for the enterprize and vigour with which they pursued and extended a trade, beneficial to themselves and the empire, being completely destroyed by the vices inherent to the system on which they conducted their affairs, and which have during the late disturbances been brought forward in so conspicuous a light, and produced events so fatal, as to appear imperatively to call for the interference of Government. The foundation of the whole evil, is probably to be traced to that violent spirit, which is nurtured by the species of monopoly that the North-West company has established, and continues to maintain, in the Indian territories; still more by physical force than by any fair advantage, derived from capital or connection; the various illegal measures adopted to crush minor adventurers who have attempted to oppose this monopoly, are recorded in the courts of Montreal, and are of public notoriety, whilst the pernicious effects produced on the character of individuals, employed to maintain the same, have been exhibited in strong colours, by the late events.

By the arrangements of the North-West company, a strong stimulus is held out to the junior members of this association, in the considerable share of profits reserved to reward their successful exertions in the service of the company; this, whilst it has produced those results, which are so creditable to their character as a trading body, has at the same time given rise to an "esprit de corps," little attentive to the rights and claims of others, and accustomed to consider an exclusive devotion to the interests and honour of the company, as a primary duty, dignified in some of their intercepted letters, by the appellation of "loyalty to the concern;" to this feeling is added a spirit much more disposed to inflict, than submit to acts of injury and insult, formed originally perhaps by the local circumstances of the parties, far removed from the protection and control of civilized society, and where every man must to a certain degree, feel his life to be in his own keeping, and to be best secured by a constant and open preparation for self-defence. These circumstances tending naturally to produce habits of overbearing violence, left unchecked by any salutary regulations, or rather indeed encouraged, as far as they tended to promote the interests of the association, have at length formed the general character of its members, as exhibited in the evidence before me, in their violent and oppressive conduct towards the natives of the country, frequently to their own servants, and still more so to their opponents in trade. To this last point my inquiries have of

course been chiefly directed, as being one of the immediate objects of my mission; and it appears to me, that a short review of the conduct of both parties, will be sufficient to show, that although the Hudson's Bay company may have been the first aggressors, the retaliatory measures of the North-West company have so much exceeded all lawful or reasonable bounds of self-defence, and been carried to such violent extremes, as to render the proceedings of their party, beyond comparison, the most criminal. I have not under my general understanding of your Excellency's orders, deemed it consistent therewith, to carry my investigations in detail, further back than the period when the Earl of Selkirk acquired a predominant influence over the management of the Hudson's Bay company's affairs; occurrences of an earlier period have however occasionally come before me, both incidentally, and as illustrative of the general situation and character of the parties, when the recent disputes began, in which latter view alone it has been my wish to take cognizance of them. During this period, the North-West company have scarcely attempted any thing further than to show the actual disposition existing, and the measures taken on their part, to bring the question of the Hudson's Bay company's rights to a legal decision; to this extent, they appear however to have succeeded. On the part of the Hudson's Bay company, on the contrary, many complaints have been made of acts of aggression and violence by their opponents; and although not having thought it right to go into the general investigation of the occurrences of this period, it would be incorrect in me to dwell upon particular circumstances, or to express any thing like a decisive opinion; yet it may not be improper to state my general impression, from all that has come before me, and the respective characters at this time of the principal servants and agents of the two companies, that there may very probably be some grounds for the complaints made, and that the irritation produced thereby, may have partly led to the introduction of the new system which appears to have been adopted by the Hudson's Bay company, about the period from which my inquiry regularly commences.

Beginning however from this period, it appears to me that there can be no doubt the Hudson's Bay company's servants must be considered as the first aggressors; the fact indeed, although a good deal of contradictory evidence had previously been collected, appears to be finally admitted in my correspondence at Montreal with the "legal agents of the Earl of Selkirk," who attempt only to justify it, as a necessary and legal course of proceeding on behalf of their principals; whilst the retaliatory measures of the North-West company, are described by them, as the first acts of illegal violence. Of my correspondence with these gentlemen, as also with the agents of the North-West company, I have the honour to transmit your Excellency copies; from these it will appear, that it was my wish to have received from each party, "a statement of their complaints against the other, together with such ex-"planations of their own proceedings, as they might feel warranted to give;" this arrangement, had it been fully complied with, would have relieved me from much responsibility and labour, by leaving to each party the selection of these facts from the immense mass of testimony before me, which they thought most material to establish their respective cases; and even imperfectly as the object has been accomplished, the general statement of the views and pretensions of the parties, now that so much evidence is collected, together with the various admissions contained in their communications, appear to render them documents of considerable importance in forming a correct judgment on the general merits of the question.

From this correspondence, your Excellency will perceive, that exclusive of individual offence on each side, the North-West company impute to the Earl of Selkirk a criminal conspiracy, in the view of forcibly and illegally driving them out from the Indian territories; whilst it is well known, that a similar charge of conspiracy, "for the purpose of destroying the Red River colony," is the principal offence which his Lordship now attaches to the North-West company, as a body. The substance of most of the principal facts that have been established before me, in evidence against the Earl, has already been stated, in speaking of his proceedings in connection with the governors and other agents of the Hudson's Bay company; but although these may involve great moral responsibility, and as it appears to me, make out a case seriously affecting the chartered rights of the company, yet I do not see how they can be deemed sufficient, even with the addition of the very illegal and unjustifiable proceedings of the Earl at Fort William, to support a criminal charge of so serious a nature as conspiracy. With regard to the partners of the North-West company also, I am doubtful how far such a charge, if at all made out,

out, can apply to any number of them, as it appears to me, they will be found in general to have acted under a sense of injury and insult, (a submission to which might often be inconsistent, in the Indian territories with personal safety,) and under some pretext of self defence, although pushed by their habitual system of violence, far beyond all grounds of law or reason. From the evidence before me, it appears certainly, that a very great jealousy was expressed against the colony from its first establishment, especially by the partners in London; of this the most striking evidence is afforded by a letter of Mr. Simon M^c^ Gillivray, dated London, 9th April 1812, to the wintering partners of the North-West company, in which, speaking of the Earl of Selkirk's plans of colonization, he says, "it will require some time, and "I fear cause much expense to us as well as to himself, before he is *driven to abandon* "the project, and yet *he must be driven to abandon* it, for his success would strike "at the very existence of our trade;" but these feelings do not appear to have given rise to any violent or illegal proceedings, till after the forcible seizure of the provisions on the Red River, by Miles M^c^ Donnell. On the occurrence of this event, however, alarming as it might be to the North-West company, from the state of the war, and at the same time as indicative of a future intention to give practical effect by force, to the exclusive rights of territory, which had been publicly claimed from the first settlement of the colony, measures of retaliation were adopted far beyond what it appears to me the case could be supposed to justify; for independent of the warrants issued against Miles M^c^ Donnell and other officers of the colony, and the offer of free passages to Canada, to any of the settlers or servants, who chose to quit the place, measures which are avowed by the North-West company, there can scarcely be a doubt, that if actual orders were not given at the general meeting of the partners at Fort William, the Summer in question, for the entire expulsion of the colony, (of which there is certainly no proof,) that such sentiments of hostility and desire of revenge, for the injuries and insults supposed to have been inflicted, were loudly expressed, as to satisfy all the junior members of the association, that the complete breaking up of the colony would be a measure most acceptable to their superiors, and to the company at large; and that the means adopted to accomplish the same, would not be very scrupulously examined.

With respect to the charges against the North-West company, of having adopted at this meeting measures for the destruction of the colony, by means of the Indians, no proof has been produced of any combined plan, to which the agents or leading partners had given their sanction, and but slight and second-hand evidence, even that any measures of the kind had been discussed amongst individuals; to men indeed of the characters, and actuated by the motives which have been already mentioned, a more direct appeal than that which I have stated, was probably unnecessary. On the return of the partners and servants of the North West company, in the Autumn, from Fort William to the neighbourhood of Red River, they induced the natives before mentioned, to quit their different posts, which of course added to the irritation already existing on their minds, and confirmed any hostile views they might previously have entertained; these notices, it appears evident from their intercepted letters, they apprehended would be practically acted upon, and from the same source, it is indisputably established, that in the course of the ensuing winter, most, if not all, the partners of the company, with many of their inferior partizans in the neighbourhood of Red River, had become parties to plans for driving off the colonists, and for employing the aid of the Indians for that purpose, although resolved however, to hazard this measure with all its consequent dangers, it appears to have been done rather with a view of alarming the settlers, and thereby inducing them to leave the country, than for the purpose of direct attacks, with any design of their general destruction; such at least seems to me the fair inference to be drawn from the following expressions in the intercepted letters filed by their opponents; the one by James Grant, at that time a clerk, now a partner of the North-West company, written from Fond du Lac, the 15th April 1815, to Duncan Cameron, the principal partner of that company at Red River, in which he says, "You will, as you have hitherto "done, anticipate his most violent measurers, and put a final end to his republican "colony, without the disagreeable one of shedding blood; this at least is my sincere "wish towards you;" and another, from Duncan Cameron to the said Grant, dated March 1816, wherein after speaking in violent terms of the proceedings of Robertson and his party towards himself, he adds, "I wish that some of your Pillems, (a band of "Indians so named, who are full of mischief and plunder) would come and pay a "hostile visit to these sons of gunpowder and riot; they might make a very good booty "if they went cunningly to work; not that I would wish them to butcher any one; God

forbid." Persons who could, however, make up their minds to the employment of Indians in any shape, against their fellow subjects, were not to be expected to hesitate about that of the less savage force of half-breeds; of this class of persons, some few who have received their education in Canada, and are employed by the North-West company, as clerks, are nearly as much civilized as the traders themselves, a few others on the contrary, are scarcely removed from the savage state, and the greater bulk fill the various gradations between these two; the connection between this class of people and the North-West company, (from the former partners, clerks or servants, of which company, those now on Red River are chiefly descended,) is naturally very intimate, and is further kept up by the number of them whom the company constantly employ as clerks, exclusive of frequently engaging the remainder as hunters and canoe-men. These men, who form for their number, a formidable force, being habituated to all the arts of Indian warfare, and at the same time possessed of a considerable portion of the energy of the whites, Miles M'Donnell had most injudiciously offended, by some restrictions on what they conceived their natural rights, about the same time that he commenced his system of aggression on the North-West company.

By the partizans of this latter company, the ill-will thus excited was sedulously kept alive; their proceedings in this and other respects, during the Winter and following Spring, in the course whereof considerable violence was exhibited on both sides, although beyond comparison the greater on behalf of the North-West company, will be found fully detailed in my statement. The result was, that after inducing more than three-fourths of the settlers and servants to abandon the colony, and accept their offers of a passage to Canada, and arresting and taking down Miles M'Donnell, and Spencer, the sheriff, as prisoners, the North-West company were enabled by secretly instigating the half-breeds, to succeed in driving away the remaining settlers; and by the burning of their houses, to destroy nearly every vestige of the colony, without themselves taking an open part in the more violent proceedings. At the meeting at Fort William, the ensuing Summer, when Mr. Simon M'Gillivray appears to have replaced his brother, as principal agent of the company, the parties from Red River were all received with unqualified approbation; to the half-breeds, in particular, praises and rewards were given, consisting (exclusive of a public feast) of a suit of clothes each, and presents of arms to a few of the leaders; and evidence has been produced, that they were at the same time told by Mr. Simon M'Gillivray, that they had done well in defending their lands; and that if the colonists attempted to return, they should drive them away again, and should be supported by the North-West company. It appears, however, from an intercepted letter of Alexander M'Donnell, a partner of the North-West company, who has taken a leading part in all the most violent proceedings at Red River, the immediate attempt of the settlers to return, was by no means foreseen; this event, notwithstanding, took place early the same Autumn, under the direction of Mr. Colin Robertson, who was joined soon after by Governor Semple. For the numerous and mutual violences of the ensuing Winter and Spring, I must again refer to the Statement, observing, that in the seizure of Duncan Cameron's person and post at the forks of Red River, and the pertinacious retention of this latter by the Hudson's Bay company's party, so far exceeded any legitimate measures of defence, that they must I think be considered as aggressors, in most of the occurrences previous to the 19th June; although at the same time there can be no doubt that the half-breeds, acting at the instigation of the North-West company, (by whom they were collected, and furnished with supplies of food and ammunition,) had early in the year resolved on again attempting to drive off the colonists. On the 19th June, when the unfortunate affray took place in which Governor Semple lost his life, the two parties seem to have met accidentally, and with arms in their hands, and mutually irritated feelings; that the action took place without previous design on either side; the first shot appears, next to a certainty, to have been fired by the Hudson's Bay company's party, at the moment that Governor Semple, enraged by the insolent address of Boucher, (the messenger sent forward by the half-breeds,) attempted to snatch away his gun; the savage massacre of the wounded, and the inhuman plundering and butchering of the dead bodies after the action, appears therefore to form the most aggravated part of the proceeding. This, Grant, their leader, states, he endeavoured in vain to prevent; and the total absence of any accusation against him on this score, and the numerous testimonies to his general humanity, leave little doubt of the truth of this assertion; if admitted, however, it furnishes only an additional proof of the ferocity of a part of the body, and shows in the stronger point of view, the dangerous course adopted by the North-West company,

company, in employing so ungovernable and almost savage a force. This indeed forms the great offence of the company as a body, and has, together with the melancholy consequences which have followed therefrom, naturally and justly excited a strong public feeling against them; it is true, that few comparatively of the partners of the company appear to have actually taken part in the assembling of the half-breeds this year, but a similar measure had been universally approved the preceding one, and a large number of the partners who arrived at Red River shortly after the 19th June, with the mixed views of liberating Duncan Cameron, retaking their own post, and revenging these and the other violences they attributed to their opponents, appear to have given an unqualified approbation to all the proceedings of the half-breeds, and many of them to have expressed their triumph and joy on viewing the scene of action; if one witness who speaks to this particular fact (my doubts respecting whose testimony will be found fully explained in my statement) could be fully credited, in terms and with circumstances of ferocity scarcely human; at all events, it is clearly established, that about forty suits of clothes which Mr. Archibald Norman M'Leod, the principal agent of the company, then present, had brought up, were distributed amongst the half-breeds, including those present on the 19th June, as a recompence for their services to the company, and that further rewards of the same kind were found prepared at Fort William, on the Earl of Selkirk's taking possession of that post, for such as had not received them in the first instance. It is on these proceedings at Red River, that Archibald Norman M'Leod and so many other of the partners of the North-West company, are indicted as accessaries to the murder of Governor Semple; and it is chiefly for the approval of the proceedings of the half-breeds, implied by further rewards prepared at Fort William, at a period when Mr. William M'Gillivray was residing there as principal agent, that the same charge is expected to be made out against him.

With regard to the inferior agents in the disturbances, great allowances are to be made; the agreement with all the settlers who came out from Europe was substantially, that they were to be furnished with lands, food, and all that was necessary to establish themselves as farmers; the whole, if required, on credit, till they could repay the same from the produce of their farms; instead of these promises being fulfilled on their arrival at Red River, they found their means of subsistence scanty and uncertain, (for this fact is admitted in the justification of Miles M'Donnell's embargo,) and that instead of sitting down as peaceable farmers, they must necessarily take arms on the one side or the other, if they remained in the country; under such circumstances, the conduct of those who quietly left the settlement, appears to me entirely justifiable, as in coming to Canada they did not conceal themselves from any just demand the Earl of Selkirk might have against them; nor can I consider those who merely assisted in the seizure of the cannon, for the evident purpose of preventing their being used against themselves, when attempting to leave the country, as guilty of any material offence, either moral or legal. Of the different cases of these few individuals, amongst the settlers, who took a more active share in the disturbances of the year, it is impossible for me to speak in detail; but even with respect to George Campbell, the person against whom there are the most numerous charges, and who from the considerable pecuniary reward he received from the North-West company, is naturally liable to much suspicion, it seems nearly certain, from the intercepted journal of Peter Fidler, one of the principal factors of the Hudson's Bay company, that of the two cases of maliciously shooting for which he stands indicted, the Hudson's Bay company's party were clearly the assailants, in the first instance; whilst on the second, I believe no direct evidence is given of Campbell's having ever fired, and the probability appears to be that he did not; with respect also to the most serious charge against him, that of arson, in assisting to burn the colonial houses on the 28th June 1815, the same journal, supported by other evidence, shows that a formal convention had previously been drawn up between the leaders of the half-breeds and the principal agents of the Hudson's Bay company then present, by which it was agreed, that all the settlers were to retire immediately from the Red River, and no appearance of a colony to remain, and even that the trading servants of the Hudson's Bay company should not occupy any of the buildings of the colony; this convention, however irregular and illegal it may be, yet having the appearance of being bonâ fide entered into between the parties, must, I should think, be held to make a material difference in the moral, and probably even in the legal nature of the offence, as the right of property in the buildings had, to a certain extent, been ostensibly abandoned; it is true, that the half-breeds subsequently, on giving notice to the Hudson's Bay servants, of their intention to burn the other buildings, voluntarily agreed to leave

them one house for the purpose of trade, and this promise they had reason to believe they intended to fulfil, and that the house in question was burned by accident.

The observations relative to this last occurrence, apply equally or perhaps more strongly to the half-breeds, in respect to the greater part of whom there are also many other circumstances of extenuation; they evidently acted in the first instance under a mistaken sense of right, and an impression that the settlers were invaders of the natural rights of themselves and the North-West company; their claim to the soil, jointly with the Indians (in favour of which the evidence before me shows that plausible grounds might be assigned,) was evidently strongly impressed on them by the partners of the North-West company, to whose opinions they naturally looked up, and during the contest, many circumstances of mutual irritation had occurred; yet their final plan of attack appears to have been confined to the expulsion of the colonists, without further violence than might be unavoidable in the accomplishment of that object; the affray of the 19th of June, melancholy as it was in its result, seems clearly to have been unpremeditated, and it appears that but few individuals amongst the half-breeds partook of the massacre that succeeded it. Of the sincerity of the half-breeds in the opinions they profess to have acted upon, strong presumptive proof is afforded by the openness with which they generally avowed their intentions, by their address to Government, (which there can be little doubt was sent, although probably in one way or other suppressed by the North-West company,) and in the final voluntary submission of its principal leaders to public authority.

After this long detail of the final impressions remaining upon my mind, on the coolest and most deliberate consideration of the evidence before me, I deem it right to state, that I now feel more strongly convinced than ever, of the general correctness of the opinion, which I had the honour of submitting to your Excellency on my return from the Indian country, as the result of my inquiry, as far as it had then gone; namely, "that the moral character of most of the offences, was, that of each "party instead of appealing to the laws of their country, endeavouring to enforce "the rights to which they conceived themselves entitled, or to redress their supposed injuries by force;" nor can I help thinking, that this high public misdemeanor, should be at all times kept in view; and as it has been the primary cause of all the evils that have occurred, to the repressing thereof ought to be made the principal object even of legal proceedings, as far as may be consistent with the punishment of the more atrocious crimes which have been committed. It was in conformity to these views that I commenced the negociation between the contending parties at Montreal, whereof I have already had the honour of communicating to your Excellency the principal details, as well as the ultimate failure; and of which the first object was to induce the parties to submit their respective complaints to the consideration of Government, in order that the Crown officers might select such cases as they should think necessary for the purpose of example, without the parties requiring the prosecution of each complaint. Unsuccessful in this measure, and finding that the Attorney General on his arrival at Montreal, took quite a different view of the subject, appearing to deem it his duty to prosecute each offence, in conformity to the complaints and with the assistance of the legal advisers of the respective parties, I naturally felt doubtful of the correctness of my previous opinion; a sentiment which was further increased by the bold and plausible statements made by the advocates of each side; by the able but highly-coloured publications of each party; and still more by the effects produced thereby on the public opinion; circumstances which appeared, as I thought, to call upon me for the most careful review of the grounds of my opinions, and which makes me still feel some hesitation in stating them with that confidence which my deep impressions of their justice and the important practical results to be derived therefrom, would otherwise lead me to do.

In stating, however, without reserve my sentiments to your Excellency on this very embarrassing subject, I feel confident they will be received with the most candid allowances; and reviewed by that superior judgment which will prevent them at least from leading to any injurious consequences; whilst should they on mature consideration be thought to present a secure basis for Government to proceed on, the further measures to be adopted will involve only questions of policy, with a due attention to the national character, in providing for the future good government of the country, unembarrassed by legal difficulties, or any apprehension of public expense; for as it appears by the test of experience, that the trade with the Indians cannot be well conducted, except by the grant of privileges equivalent to a monopoly, over tracts of greater or less extent,

extent, there could be no objection to requiring from the grantees such yearly remuneration as would more than pay for any expenses to which Government could be exposed, by taking into its own hands the civil government of the country, and the protection of its inhabitants, especially as such remuneration would by no means form a burden on the trade; the diminished number of servants necessary to be employed, and other economical arrangements, which their increased security would enable the traders to make, being more than sufficient to counterbalance any reasonable rent with which they might be charged.

It appears to me unnecessary, and perhaps would even be improper, to trouble your Excellency with any further details on this point; but there are several local circumstances of secondary, although considerable importance, suggested by my personal visit to the Indian country, which I shall think it right to make the subject of a separate and early communication to your Excellency.

I have the honour to be, &c. &c. &c.

(Signed) *W. B. Coltman.*

His Excellency Lieut. General
Sir John Coape Sherbrooke, G. C. B.
&c. &c. &c.

Inclosure (2) in Sir J. C. Sherbrooke's, of 16th May 1818.

Sir, Montreal, 12th March 1818.

The transactions at Fort William, in the Summer of the year 1814, as connected with the affairs of the Red River, have been made the ground of most serious charges, brought forward by the Earl of Selkirk against the North-West company.

Although the various authentic documents already in your possession, might serve to throw sufficient light on all the events that have occurred, pending the existing contest; yet having been at our place of general rendezvous from the beginning of July until about the 10th of August of that year, I shall endeavour to lay before you a circumstantial account of these transactions; and to the facts which I shall have occasion to state in detailing the different circumstances, I pledge my veracity.

In January 1814, Captain Miles M'Donnell, styling himself governor of Assiniboine, issued a proclamation, prohibiting the exportation of every species of provisions from the Red River, thus at once depriving the North-West company of the means of getting out their furs from the northern department the Spring ensuing, as all the canoes from the northward of Lake Winnipic depend entirely on the provisions annually collected at the posts of the Red River, for supplies from Lake Winnipic to Fort William.

This he well knew, and it was also known throughout the interior country, if not previous to his issuing the proclamation, very soon after that period, that the British fleet on Lake Erie had been destroyed by the enemy, who thereby being in complete possession of the lakes, and cutting off the communication between Canada and the Indian country, left no means to the agents of the North-West company of forwarding supplies, either from Upper or Lower Canada, for the season of 1814. Such was the prospect of affairs in October 1813; and it being deemed of the utmost importance, that the partners of the North-West company stationed in the interior, should be apprized of these unfortunate circumstances, and their own dangerous situation, an express was dispatched from Montreal to Fort William, which place it reached the beginning of November, and was from thence immediately forwarded into the interior country.

During the Winter of 1813-14, captain M'Donnell acted up to the spirit of his proclamation, by sending his servants out to the plains in armed parties, seizing upon whatever they could find in the possession of the servants or hunters of the North-West company.

For one instance of pillage, that of Jean Bt. Desmarias and others, a bill of indictment has been found against those concerned in that transaction.

On the opening of the navigation in the Spring of 1814, an encampment with cannon was formed of the colonists and servants of the Hudson's Bay company, (who were regularly trained to arms,) a mile above the forks of Red River, and by this means the passage of the river completely stopped. The convoy of provisions belonging to the North-West company, coming down from river Qui Appelle, about 500 bags of pemican had been stored at the post of Riviere a la Sourie for safety; here it was seized upon by Mr. John Spencer (acting as sheriff under *Governor* M'Donnell,) with a party of armed men, who cut down the pickets of the fort, and

broke open the doors of the store-house in which the provisions were lodged, having previously seized 90 bags of pemican, that had been first sent in a boat down the river towards the forks, and imprisoned the men who had charge of the boat, for having hid the provisions in the wood, in order if possible to save them.

Having by these violent means got the whole of the provisions collected in the Red River by the North-West company into his hands, the *soi-disant* Governor was enabled to dictate his terms; he accordingly generously restored* 200 bags of the pemican to the right owners, on the condition that a like quantity should be given to him the ensuing year in return. This humiliating agreement was made at the forks of Red River in June 1814. The partners of the North-West company who were present, having their people in a state of starvation, had no other alternative, than either to subscribe to these terms or proceed to open hostility, and endeavour to obtain restitution of the provisions by force of arms.

In the month of July following, these proceedings were repeated at Fort William, and the designs of *Governor* M^c^Donnell and his principals appeared evidently to be, the destruction of the North-West company; a set of peaceable emigrants and harmless colonists, as they had been represented, had been suddenly changed into an armed force, and made subservient to the purposes of oppression and plunder.

While the North-West company viewed this state of things with well-founded apprehensions for the existence of their trade, an event occurred which rendered an immediate decision necessary. The enemy had reached St. Mary's (the only outlet from Lake Superior to Canada,) and destroyed their depôt and vessels at that place and at Lake Huron, with the only supply of provisions which they had attempted to get forward during that season.

Thus left entirely dependent on the resources which the interior country might afford, it became absolutely necessary to deprive, if possible, the Governor of Red River of the means of seizing the depôts of provision which might be collected the ensuing Winter. It was well known, that the tyrannic and oppressive conduct of captain M^c^Donnell, and the disappointment of many of the settlers in the golden hopes which had been held out to them, had given rise to a spirit of discontent which had induced many of them to express a wish of leaving the settlement altogether, and joining their friends in Upper Canada; the means only were wanting; the North-West company had not hitherto afforded them any facility in this respect; on the contrary, a single individual (of the name of Walsh) who had deserted from the Red River in the Spring of 1813, and was picked up on the banks of Lake Winnipic, by the canoes of the North-West company, and brought to Fort William, had been sent back to the settlement much against his will.

Finding that the forbearance had been so much misplaced, and that the existence of the trade, and in a great measure the lives of the traders and servants of the North-West company, depended on securing the provisions that might be in the Red River, on which no dependence could be placed while *Governor* M^c^Donnell had the power of seizing the depôts at pleasure, the partners of the North-West company who were sent from Fort William to winter at Red River, were authorized to give a passage and provisions, free of expense, to Upper Canada, to any of the settlers who might be disposed to avail themselves of such a facility for leaving the country; and further warrants for the arrest of Captain M^c^Donnell and Mr. John Spencer, were issued by a magistrate for the Indian territory at Fort William; that against Mr. John Spencer, was executed in the fall of 1814. The *Governor* only surrendered after much difficulty the following Spring. Bills of indictment have been found in our Court of King's Bench, against both these individuals, for the acts of violence above stated.

These are truly, as far as my recollection serves me, the occurrences that took place at Fort William in the Summer of 1814, as they regard the Red River settlement.

If there was any criminality in offering a passage to the settlers to Canada, or even in encouraging them to adopt such a measure, the provocation was great, and the necessity was forced on the North-West company, from the violent and unjust conduct of the leaders of that settlement. So far was the North-West company from considering

* *Note.*—It would appear from a correspondence between Captain M^c^Donnell and Mr. Duncan Cameron, that 175 bags more were delivered to some of our people subsequently. This is not acknowledged in direct terms by Mr. Cameron, nor have I any other knowledge of the fact.

considering that it acted illegally, or that the conduct adopted would (as has since been the case) be termed a *conspiracy*, that at the very time they were using these means of security, they were making application to Government, in order that through the interference of His Majesty's ministers, the Hudson's Bay company might be prevailed upon to carry to England in their ships, the whole of the North-West company's returns during the war, and bring out from England some necessary supplies for their trade, which would have thrown the whole of their property into the hands of their rivals. Surely had the North-West company been conscious of having committed themselves, they never would have offered such a pledge to the Hudson's Bay company. I have the honour to be with great respect,

Sir, your most obedient servant,

To the Hon. W. B. Coltman, &c. &c. &c.

(Signed) *W. M'Gillivray*, Agent for the N. W. company.

Inclosure (3) in Sir J. C. Sherbrooke's, of 16th May 1818.

Gentlemen, Montreal, 27th December 1817.

I have the honour to inform you, that I have received the positive orders of his Excellency the Governor in Chief, to prepare and make up with the least possible delay, a general statement relative to the occurrences in the Indian country.

For this purpose it appears to me necessary, that I should be furnished by each party with a general statement of the complaints they have to make against the other, together with such explanations of their own proceedings as they may feel warranted to give. These statements might perhaps be afterwards mutually communicated, and each party allowed to deliver their further remarks in writing.

It appears to me also advisable, that I should proceed without delay to the examination of various individuals now in this province, including those under indictment, or otherwise accused. From persons so situated, I have hitherto as a general, refrained from taking any other than voluntary depositions; but should now propose further to examine them with the assistance of Mr. Pyke, the legal gentlemen on each side being allowed to attend when wished for by the party examined. Amongst the principal objects of inquiry, respecting which I am in want of information, are the causes which prevented each party when conceiving themselves deprived of their legal right, from appealing in the first instance to the laws of their country, as also those which first led to the actual employment of private force.

Various statements both in writing and otherwise have been occasionally made to me, which might materially bear on these and many other important points; but of course, unless the same shall be ultimately laid before me, supported by the best evidence the nature of the case will admit of, they cannot form any part of, or influence my report.

The acknowledged publications of the authorized agents of the respective parties in London, under the titles of Statement respecting the Earl of Selkirk's Settlement, and Narrative of Occurrences in the Indian Countries, I shall where necessary to refer to them, consider as moral evidence, as far as they consist of admissions made by the respective parties; but not as constituting any proof in favour of themselves, or to the prejudice of the other party, unless supported by further evidence.

Should the unexampled delays in the Earl of Selkirk's journey protract his return beyond the period when I am ordered to make up my Report, it was understood by his Excellency the Governor in Chief, that I should be allowed to make a further supplementary Report, on any points respecting which his Lordship might be enabled to produce additional information.

I have the honour to be, Gentlemen, your most obedient servant,

To the Agents of the North-West Company.

(Signed) *W. B. Coltman.*

Inclosure (4.)

Gentlemen, Montreal, 10th January 1818.

One of the principal objects of Mr. Pyke's visit to Montreal being to assist me in completing the inquiry respecting the late unfortunate occurrences in the Indian country, and especially to decide in each case on the propriety of examining individuals charged with offences, and to what extent their different depositions should be taken; we have determined, from the necessity of that gentleman's early return to Quebec, to devote the ensuing week exclusively to receiving the depositions of persons

so situated, and shall on Monday, Tuesday, and Wednesday next, be prepared to proceed to the examination of such as you may think material to establish any important facts on your side.

On this occasion I cannot refrain from pointing out to you, that to my mind, those appear most material which might go in support of the general statements which have been so frequently made me, that the proceedings on the part of your adherents have been dictated by, and arisen from a principle of self-defence.

I have the honour to be, Gentlemen, your most obedient servant,

To the Agents of the North-West Company. (Signed) *W. B. Coltman.*

Inclosure (5) in Sir J. C. Sherbrooke's, of 16th May 1818.

Sir, Montreal, 18th Feb. 1818.

In a communication which we have had the honour to receive from you, some time since, a general statement, with explanations, has been desired of the complaints which the Earl of Selkirk and the Hudson's Bay company have to make against the North-West company. At the same time, as well as subsequently, and more particularly a wish for information, has been expressed in two leading questions, viz. "As to the causes which have hitherto rendered a reference to the laws of the "country, in support of the civil rights of the Earl of Selkirk and the Hudson's "Bay company, impracticable, and the grounds on which it is contended, that the "employment of an *illegal* private force originated with the North-west company."

The general statement above-mentioned, from the number, the extent and long continuance of the aggressions on the part of the North-West company, is a task of such length and labour, as our necessary attendance in the courts at present renders us unable to execute.

We have not had it in our power to do more than to bestow some consideration upon the matters you have referred to as leading questions. Respecting these, we inclose some observations, which it is conceived will serve to place them in the only point of view in which they can be legally and rationally contemplated.

We have the honour, &c. &c. &c.

(Signed) *J. Stuart.*
*Sam. Gale*, jun.
*M. O'Sullivan.*

Inclosure (6.)

Observations respecting the employment of illegal Force by the North-West company, the causes which have rendered an Appeal to the Law for redress impracticable on the part of the Hudson's Bay company.

The Hudson's Bay company have at various times expressed their anxiety to bring their disputes with the North-West company to the test of legal decision; and this might probably have been accomplished, if their adversaries had been like themselves a chartered body; but the constitution of the North-West company affords such facilities for evading responsibility, that no method has hitherto occurred for bringing the merits of the case to a fair hearing, before any tribunal in England.

In the year 1812, a case was laid before Mr. Scarlett, on the subject of a long train of violent aggressions, committed by the servants of the North-West company, by which the Hudson's Bay traders, and particularly Mr. T. Fidler, had been driven first from Athabasca, and afterwards from English river. Several witnesses had been sent home, and the company were prepared to prove the facts which are related in Mr. Fidler's journals.

These acts of violence were evidently intended to obstruct the fair trade of the Hudson's Bay company, and to prevent any competition in the trade of those districts, which the North-West company considered as most profitable.

They had been carried on in a systematic manner, under the immediate view of several different partners, who had been successively appointed to oppose the traders of the Hudson's Bay company. But however strong the moral probability that these acts had been done at the instigation of those whose interests they were calculated to serve, Mr. Scarlett was of opinion, that the principals could not be made responsible, without distinct legal evidence that they had given orders on the subject, and from the secrecy with which the North-West company carry on their consultations and their resolutions, no hope could be entertained of tracing such evidence up to any persons in England.

The

violences respecting which Mr. Scarlett was consulted, were nothing peculiar or unusual; hundreds of similar instances might be substantiated, but always with the same difficulty of tracing the matter by sufficient legal evidence to any responsible individuals. The immediate actors are generally of the lowest order of the North-West company's servants, or at the most clerks, who are never to be found within the jurisdiction of an English court of justice, and whose property would at all events afford no compensation for the injuries they are made to commit. The partners, under whose orders these proceedings are carried on, are in general too cautious to give their orders in public; and though it be evident that their inferiors would not act as they do without the approbation of their employers, the latter are well aware of the difficulty of detection, and boldly disclaim all knowledge of any improper proceedings. Even where a partner is so unguarded as to commit himself, this does not affix any responsibility on the concern which is to profit by his illegal actions, and it is very seldom indeed that the personal responsibility of the individual partner can be of any avail. Thus the association are enabled to wield the strength of thousands of men, and direct it to purposes of injury, while there is hardly a possibility of affixing responsibility on any individuals in responsible circumstances.

It may deserve to be noticed, that the facts related in Mr. Fidler's journals, as far back as the year 1805, independently of many other facts of the same nature and still older dates, are sufficient to show how gross a misrepresentation it is to say, that the first acts of aggression, and the use of illegal force in the Indian countries, originated with the officers of the colony at Red River.

In the instances which have been adverted to, the Hudson's Bay company had to complain of being debarred by illegal violence from the exercise of the common rights of British subjects. A few years before they had occasion to consult counsel, as to the means of maintaining the privileges which are granted to them in their charter. In this case also they were advised, that no feasible mode could be pointed out for bringing the subject under the cognizance of any tribunal of England.

In the year 1803 the North-West company had formed an establishment on the coast of Hudson's Bay, sending their supplies to it by sea. Upon this the directors of the Hudson's Bay company laid a case before Mr. Erskine (since Lord Chancellor,) Mr. Gibbs (now Chief Justice of the Court of Common Pleas,) and several other eminent counsel, who were all distinctly of opinion, that the charter conferred a good title to the soil, and that the act of the North-West company, in forming their establishment, came under the description of a trespass, "Quare clausum fregit;" but that a trespass of this kind, committed in the colony, was not within the cognizance of any of the courts of common law at Westminster. The privy council, though it is the ultimate court of appeal in colonial cases, is not a court of original jurisdiction, except in respect of some questions which may arise between different colonies. That high tribunal would not have entertained a complaint against a private association of individuals like the North-West company, and the question did not admit of being put into the shape of an appeal.

The only judicature of the territory where it arose, is that which the charter of the Hudson's Bay company confers on the governors and councils of their establishments; and the North-West company having sufficient force to set them at defiance, and to resist the execution of their process, could have no motives for appealing from their decisions.

This difficulty is not removed by the Act 43 Geo. III, c. 138, for the jurisdiction which it confers on the courts of Canada being limited to criminal cases, it could not afford any redress for a civil trespass, whether the Act be considered as applicable to the Hudson's Bay territories or not. It appears evident, therefore, that the only mode in which the Hudson's Bay company can bring their rights of landed property to the issue of legal decision, is by enabling their governors to enforce the judgments of their courts; in which case the North-West company, or any other party who may conceive themselves to be aggrieved, may bring the matter before the Privy Council by appeal.

The attempt which was made by Governor M'Donnell, in the year 1814, to enforce the authority with which he was invested by his commission, under the company's charter, is however represented by the North-West company as a lawless aggression; they have even the hardihood to refer to it as the first instance of employment of illegal force in these countries; and thereby upon the principles of retaliation, they pretend to justify all their own subsequent violences.

But, from the arguments that have been stated, it is evident that if the North-West company had really had any just cause of complaint they might have attained redress by legal means.

If the commission of Governor M'Donnell had been illegal; or if in the seizure of the contraband provisions he had either exceeded or abused his lawful authority, there cannot be a doubt that the Privy Council would have entertained the complaint, and that the North-West company would have recovered ample damages. If they had been conscious of having a good cause they would have seized the opportunity of obtaining a legal decision, which would have established their own rights beyond dispute, and would have set at rest the pretensions of their antagonists. The opportunity was peculiarly advantageous to them, for Governor M'Donnell had been unguarded enough to bring the question to issue, upon one of the most delicate and doubtful points of a governor's authority, and had thereby given to the adversaries of the Hudson's Bay company every collateral advantage for contesting their jurisdiction. That they did not take this opportunity is the more remarkable, as the partners, who were at Red River when the seizure of the provisions took place, protested that they would appeal to higher authority against Governor M'Donnell's proceedings. But this was over-ruled by the general meeting of the partners at Fort William, where it was decided, that it was necessary for the honour of the North-West company to redress their own wrongs, instead of appealing to the laws of their country.

If they had aimed at nothing more than obtaining justice, it is hardly conceivable that they should have adopted such a determination. But if in pursuance of the advice given two years before by Simon M'Gillivray, their object was the subversion of the colony; if they had been on the watch to find a pretext for attacking it; if in the conduct of Governor M'Donnell they found what they wanted, and though that under the plea of retaliation they might take measures for involving the innocent settlers in ruin, it must be admitted that a petition to the Privy Council would not have served their purpose, and the conduct which they did pursue was intelligible and consistent. The meeting of the partners, in the Summer of 1814, was the signal for a train of nefarious proceedings, ending in the first destruction of the colony.

The half-breeds, who before that time had always been classed along with the Canadian engagés of the North-West company, and had never been heard of as a separate body of men, were now brought forward and tutored to call themselves a nation of Indians. This was not the first employment of illegal force; witness the battailleurs, who were employed against Mr. Fidler in Athabasca, before the colony was even in contemplation.

But the army of the North-West company was now organized in a systematic manner, and with the distinct avowal of the illegal purpose of driving the settlers from their lands. This purpose was indeed avowed only by the half-breeds; the North-West company, according to their usual modes of evading responsibility, pretending to have no control over that "numerous and warlike race," though these independent Indians were all the time receiving their pay, and serving under regular contracts, like the other engagés of the company; and (to add to the inconsistency) this independent nation was employed to enforce the warrant of a Scotch magistrate for the Indian territories. But this pretext is now too stale to impose upon the meanest simpleton; and, after the evidence which has been obtained, no argument can be necessary to prove, that ever since the beginning of the year 1815, the half-breeds have been in effect the troops of the North-West company, acting under the orders of the Scotch partners, and receiving pay for their military services, with as much regularity as their canoe-men receive it for their work.

Finding it impossible any longer to disavow their connection with the half-breeds, the North-West company have now brought forward a new pretext, and allege that all the crimes which have been committed by them were only venial irregularities, as the country has been in a state of internal warfare, and both parties have acted upon the principles of retaliation. But if such a monstrous doctrine as this can be entertained, as well might the law of England be entirely set aside, proclaiming a general impunity for robbery and murder.

The plea of retaliation may sometimes perhaps be admitted, to palliate an irregularity committed without reflection, and under the influence of wounded feelings; but when it is avowed as a principle, to be systematically acted upon, nothing can be more detestable. If a party, greatly superior in force, and at a distance from legal control,

control, are to be allowed to judge for themselves, how far the proceedings of their adversaries are proper or not, to retaliate every act which they chuse to consider as an injury, and to judge of the proper measure of their own revenge, there is no degree of atrocity for which an excuse may not be formed.

It is a misrepresentation and a calumny, to speak of mutual aggressions, or the mutual employment of illegal force. In the conduct either of the Earl of Selkirk, of the settlers of the Red River, or of the servants of the Hudson's Bay company, there has been no one instance of the use of illegal force; they have never used force, except for the purpose of self-defence, or in support of the law, for bringing to justice men who had committed enormous crimes. Slaughter and devastation have been left for the North-West company. The progress of that association has been marked by torrents of blood; that of their antagonists has not been stained by a single drop.

If the crimes which have been committed in the Indian countries can be fairly compared to a state of warfare, it cannot admit of a doubt, that the declaration of war took place in August 1814, when Messrs. Duncan Cameron and Alexander M'Donnell set out from Fort William, "to commence open hostilities against the enemy in Red River," with the avowal, that "nothing but the complete downfall of the colony would satisfy some, by fair means or foul."

From this time forward the half-breeds, echoing the instructions of their fathers and their employers, have avowed implacable hostility against the colonists, and a determination to drive them away from their lands. The latter have been under the necessity of defending themselves; and if in the contest which has thus been forced upon them, they have at any time been obliged, for their own security, to adopt measures which in peaceable times would have been improper trespasses, the circumstances of their case may be fairly admitted as an apology. But to use the name of warfare as an excuse for the robberies, the arsons and the murders, committed by the aggressors, committed for the avowed purposes of driving away their fellow subjects, and preventing them from obtaining a livelihood by the peaceful and innocent occupation of agriculture, would be a strange and unexampled perversion of terms, and an attempt to justify crimes, by employing language which the law can never sanction.

Down to the period of Mr. Alexander M'Donnell's declaration of open war, no one act of aggression had been committed by the colonists. The only measure of which any complaint had been made, or of which the North-West company could pretend to complain, was one to which their partners on the spot had given a qualified assent. It was at all events the public and official act of Governor M'Donnell, for which he, and he only was responsible, and for which he might have been legally called to account before the Privy Council of England. It is not that act therefore which is to be considered as a commencement of the disorders of the country, but the unprincipled resolution adopted at Fort William, to revenge it by main force, instead of seeking redress in a lawful manner.

Gentlemen, Montreal, 27th December 1817. Inclosure (7) in Sir J. C. Sherbrooke's, of 16th May 1818.

In the absence of the Earl of Selkirk, I address myself to you as the legal agents of that nobleman, for the purpose of mentioning that, I have received the positive orders of his Excellency the Governor-in-chief to prepare and make up, with the least possible delay, a general report relative to the unfortunate occurrences in the Indian country.

For this purpose it appears to me necessary that I should be furnished by each party with a general statement of the complaints they have to make against the other, together with such explanations of their own proceedings, as they may feel warranted to give; these statements might perhaps be afterwards mutually communicated, and each party allowed once to deliver their further remarks in writing.

It appears to me also advisable, that I should proceed without delay to the examination of various individuals now in this province, including those under indictment, or otherwise accused. From persons so situated, I have hitherto as a general rule, refrained from taking any other than voluntary depositions; but should now propose further to examine them with the assistance of Mr. Pyke, the legal gentleman on each side being allowed to attend, when wished for by the party examined; amongst the principal objects of inquiry, respecting which I am in want of information, are the causes which prevented each party when conceiving themselves deprived of their

legal rights, from appealing in the first instance to the laws of their country, as also those which first led to the actual employment of private force.

Various statements, both in writing and otherwise, have been occasionally made to me, which might materially bear on these and many other important points, but, of course, unless the same shall be ultimately laid before me, supported by the best evidence the nature of the case will admit of, they cannot form any part of, or influence, my report.

The acknowledged publications of the authorized agents of the respective parties in London, under the titles of Statement respecting the Earl of Selkirk's Settlement, and narrative of occurrences in the Indian countries, I shall, when necessary to refer to them, consider as moral evidence, as far as they consist of admissions, made by the respective parties, but not as constituting any proof in favour of themselves, or to the prejudice of the other party, unless supported by further evidence.

Should the unexpected delays of the Earl of Selkirk's journey protract his return, beyond the period, when I am ordered to make up my report, it was understood by his Excellency the Governor in Chief, that I should be allowed to make a further supplementary report, on any points respecting which his Lordship might be enabled to produce additional information. I have the honour to be, &c.

James Stewart, Samuel Gale, and M. O'Sullivan Esquires. (Signed) *W. B. Coltman.*

Inclosure (8) in Sir J. C. Sherbrooke's, of 16th May 1818.

Gentlemen, Montreal, 10th January 1818.

One of the principal objects of Mr. Pyke's visit to Montreal, being to assist me in completing the inquiry respecting the late unfortunate occurrences in the Indian country, and especially to decide in each case the propriety of examining individuals charged with offences, and to what extent their different depositions should be taken; we have determined in consequence of the necessity of that gentleman's early return to Quebec, to devote the ensuing week exclusively, to the receiving the depositions of persons so situated, and with a view to afford to you the greater facilities, which you may expect on the arrival of the Earl of Selkirk, we shall devote the three last days of the week, namely, Thursday, Friday, and Saturday next, to receiving the depositions of Messrs. Miles M'Donnell, Colin Robertson, and any other of the accused persons, whom we may either find it necessary, or you may wish to have examined.

I cannot on this occasion (without meaning to express any opinion on the nature of the proceedings, or the circumstances which may have given rise to them) refrain from repeating my anxiety to receive from you any further statements of facts you may wish to bring forward, in support of the general observations which have occasionally been made to me, as to the causes which prevented, on the part of the Hudson's Bay company, or the Earl of Selkirk, an earlier appeal to the laws of the country, as to their presumed legal rights, or which led to those proceedings which are complained of by the adverse party, as the first acts of violence committed in the country. I have the honour to be, &c.

To Messrs. James Stuart, Samuel Gale, and M. O'Sullivan. (Signed) *W. B. Coltman.*

Inclosure (9.)

Sir, Montreal, 30th December 1817.

We have to acknowledge the receipt of your letter of the 27th instant, giving information of your having received the orders of his Excellency the Governor in Chief to prepare a report relative to the occurrences in the Indian country; and that, for this purpose, it appeared to you to be necessary that a general statement should be furnished by each party of their complaints against the other, "together "with such explanations of their own proceedings, as they might feel warranted "to give."

It would afford us satisfaction to lay before you a statement and explanations of the kind alluded to, if time were allowed, and we were possessed of the materials and sanction requisite for such a purpose. But much time would be unavoidably occupied in preparing a statement of transactions so various and complicated; the materials are, many of them, in the possession of the Earl of Selkirk, and neither these, nor the sanction requisite to enable us to adopt such a measure, can be expected previous to his Lordship's arrival at Montreal.

Your

Your letter also intimates that "it appears to you advisable that you should proceed, without delay, to the examination of various individuals now in this province, including those under indictment, or otherwise accused." On this intimation we are not aware that any observation is expected from us, or that it would become us to express any opinion.

A desire for information is likewise intimated to us, as to the "causes which prevented EACH party, when conceiving themselves deprived of their legal rights, from appealing, in the first instance, to the laws of their country, as also those which first led them to the actual employment of private force." On these subjects it seems proper to remark, that we apprehend that the Hudson's Bay company took every step, consistent with its rights as a chartered body vested with jurisdiction, for the purpose of appealing, as early as possible, to the laws of their country. That the employment of an *illegal* private force, for it is well ascertained, originated with the partners and agents of the North-West company, the consequences of which have been the destruction of the colony at Red River in two successive years, together with the commission of a multitude of crimes, which still remain to be punished. That the causes and objects for which the force was employed, were the actual destruction and dispersion of the colony, which it effected, the result thereby realizing the object.

Of the London publications to which you have adverted, we are without legal information, and without authority to speak.

It would be with regret that we should learn that any report was made up before an opportunity for offering his statement should be afforded to the Earl of Selkirk. Such a report, if a statement should be produced on the other side, could not bear the appearance of an *ex parte* proceeding; and it is to be feared that the effect of deficiencies or inaccuracies, if once admitted, would be but ill remedied by any supplementary representation.

We have the honour to be, &c.
(Signed) *J. Stuart.*
*Samuel Gale*, junior.
*M. O'Sullivan.*

Hon^ble^ W. B. Coltman.

Sir, Montreal, 14th March 1818.

Inclosure (10) in Sir J. C. Sherbrooke's, of 16th May 1818.

Having, with reference to your official letter to us of the 27th December last, and in pursuance of the suggestions therein contained, submitted to you a voluminous body of evidence, both in the shape of depositions taken before you, and in that of authenticated copies of letters and other documents, the originals of which have been exhibited to you, it remains for us, in making a summary of the case of the North-West company, as relates to their disputes with the Earl of Selkirk and the Hudson's Bay company, to call your attention to such points as may require additional elucidation beyond the information which appears upon your files, and that which you have personally acquired during your visit to Red River. In the commencement of the recent disturbances in the Indian country, and when the first aggressions were committed upon us, we did not see in the measures of Lord Selkirk any other than the effects of an enthusiastic prosecution of his Lordship's visionary schemes, which, however disastrous to the persons engaged in them, and injurious to us, might perhaps be ascribed to laudable motives; nor did we see, in the increasing activity of the Hudson's Bay company's traders, any thing more than an unwonted ebullition of commercial rivalry, which, however much it was our interest to counteract, we never could entertain thoughts of repressing, by any other means than by a commensurate increase of energy and of industry in the operations of our trade; but the experience we have acquired, by the development of his Lordship's views from their early bud, the wily purchase of so large a part of the Hudson's Bay stock, to their full bloom of maturity, the sack of Fort William, has convinced us that the measures of Lord Selkirk have been undeviatingly intended to produce the utter destruction of our trading concern, and the ruin of our fortunes and characters, and that the active co-operation of the Hudson's Bay company was an engine put in motion by his Lordship to assist in accomplishing those ends, ultimately thereby to raise himself upon the ruins of the North-West company into a monopolizer of the fur trade of the whole continent, in addition to his ambition of becoming lord paramount of the soil, through an immense tract of the country.

We consider ourselves, therefore, as having a right to assume as a basis, upon which to build our complaints, the existence of a conspiracy against us, engendered in the brain of Lord Selkirk, and carried into effect with the assistance of his tools, the Governor and Committee of the Hudson's Bay company in England, of their servants in Hudson's Bay, and of the numerous adherents and satellites who have been drawn into his Lordship's vortex, by the perverted power of exalted rank, great wealth, and specious appearances.

To this conspiracy therefore, to this original sin, we ascribe all the violences, the aggressions we have suffered, and the prolific train of complaints and offences which are now in course of legal investigation; and although it is requisite, for the well-being of society, that the actual perpetrators of such offences as have been committed, should receive condign punishment; much more weighty moral *responsibility* must be upon the shoulders of the causer, the promoter, the tempter, than upon the passive tools employed by him, or upon those who have been driven to resistance or retaliation.

Before beginning the summary of the events immediately connected with the disputes in question, it may be well to direct your attention to the circumstance that the North-West company have never acknowledged the exclusive rights, either of trade, or of territorial property and jurisdiction, claimed by the Hudson's Bay company under their obsolete charter. It was indeed, at times, considered as good policy in the Canadian traders, to seem to respect those rights, in order to deter more active rivals from stepping over the heads of the sluggish factors who crept about the shores of the bay, and sometimes by a great effort, followed the tracts of the adventurous Canadians into some parts of the interior. But at no time was ever done any overt act of acknowledgment of such rights; the contrary was always the case, on every occasion of collision between the traders of the rival companies; and at one time, namely, in 1803, in order to bring the question to a decided issue, the North-West company determined to send ships to the bay to trade within the streights, and to establish factories under the very noses of the Hudson's Bay people; the documents laid before you prove this to have been done, and the Hudson's Bay company wisely declined the contest. Finding, however, that the trade in the bay did not answer during the three years it was carried on, in the very heart of the supposed commercial empire of their rivals, the North-West company withdrew their establishment, after incurring a very heavy loss in thus attempting to provoke a legal decision; and their ship The Eddystone, was purchased by the Hudson's Bay company, and is actually now one of the vessels on their establishment.

In your letter of the 27th December, you allude to the acknowledged publications of the authorized "agents of the respective parties in London, under the titles of "*Statement respecting the Earl of Selkirk's Settlement*, and *Narrative of Occurrences* "*in the Indian Countries*," as so far before you, as being sources of occasional reference. The narrative therefore published on the part of the North-West company, though an extra-official document, as also the memorial presented to Earl Bathurst in the beginning of last year, of which we have submitted a printed copy to you, will together supply the minuter links of the chain of events of which we proceed to give the outline, divided into four epochs, for a more ready reference to the papers filed with you in support of our case; and the whole will, we flatter ourselves, be found fully and satisfactorily to prove all we wish to represent through you to Government, and will enable you to make such a report as will not only completely justify the North-West company in the eyes of Government and of the world, but also procure such farther substantial interference as may appear necessary where legal proceedings may not suffice, to ensure to us INDEMNITY FOR THE PAST, AND SECURITY FOR THE FUTURE.

The first epoch or stage of the conspiracy, commences when Lord Selkirk, in 1811, obtained by the means, of which such proof as could be produced has been laid before you, so decided an ascendency in the courts of the Hudson's Bay company. Whatever views of colonization the Earl may have had at an earlier period, it is pretty apparent that a knowledge of the great profits, so tempting to speculative cupidity, arising from the trade in furs of the North-West, which his Lordship derived from the unreserved and liberal communications he received from ourselves, during his visit to Canada in 1803, made the Noble Lord's colonizing schemes subside into the second rank in the objects of his pursuit; and perhaps they would have been consigned to oblivion, amongst the various "cunning devices" of other projectors, had his

his Lordship not contrived to make them subservient to his spirit of commerce which was now awakened in his mind.

Lord Selkirk denies being individually a *fur trader*; but what must that person be called who is a partner to the amount of nearly one-half of the whole trading stock of a *fur trading* company, who directs their affairs, engages their servants, and in the Indian country, at Fort William to wit, has actually in his own person traded with the Indians for furs? Who plans an establishment in the interior of the country, for the purpose of raising recruits of servants fit to be employed in the trade of the Hudson's Bay company, whose own servants are engaged under the express stipulation of being liable to be drafted into the trading service of that company; and who, in fine, instructs his agent to establish as soon as possible, distilleries in his colony, for the purpose of supplying the company's trade with spirituous liquors? It may be permitted to us in this place to observe, that this is the man who in his Sketch of the British Fur Trade, published in 1815, has so unblushingly (pages 38 and 52) accused the North-West company of speculating on the vices of their servants and of the natives; who tells the public, that "if an effectual restraint "can be put on the sale of spirituous liquors to the Indians in British America, "it would contribute most essentially to their welfare and progress in the arts of "civilized life;" whilst the year before, stimulated by the love of lucre, he had directed his agent to erect distilleries for the purpose of supplying those very Indians with ardent spirits, whose welfare was to be promoted by their being effectually restrained from procuring them*!

But had Lord Selkirk's primary object been that of colonization, still the establishment of a settlement known to be intended as a hot-bed, out of which our rivals were to be provided with full grown trading servants, and in the heart of a country whence our people derived by far the greater part of their provisions; a country, the extensive inclosure and cultivation of which, would destroy or remove to a most inconvenient distance, the hunting grounds on which we chiefly depended for the means of subsisting our numerous voyageurs, would of itself have been pregnant with distress and injury to our trade. It became still more an object of jealousy and alarm, when we considered the undisguised designs entertained by the Hudson's Bay committee, under the impulse of their noble dictator to revive, or rather for the first time to put in force, in their most hateful shape, the extensive and undefined privileges granted under a stretch of prerogative to a set of court-favourites; and when it was openly stated that the North-West company, who were the legitimate successors of the first discoverers and possessors of the country, which they have since explored from sea to sea, were poachers and interlopers, and should be dealt with accordingly, that their buildings should be razed to the foundation, and their persons and property subjected to the operation of that most preposterous and oppressive clause in the Hudson's Bay company's pretended charter, by which they were empowered to levy war, and to right and recompense themselves upon the persons and property of those whom they caught within the hallowed confines of their sacred territories.

Early did we predict that the formation of a settlement, in its ostensible objects of cultivation, so diametrically opposed to the habits and prejudice of the natives of the soil, would produce dissatisfaction, disturbance and bloodshed, between the newcomers and the native inhabitants; and our prediction has been too mournfully fulfilled. Early did we declare, that such a heterogeneous community in the centre of our trading grounds, would be withal productive of insubordination and desertion amongst our servants, and this has been convincingly brought home to your own knowledge, Sir, by the numerous warrants you have yourself granted at Red River against our engagés for desertion. And early and candidly did we state, both to Government and to our opponents, that we, in consequence, viewed this projected settlement as in its essence, both injurious to our trading interests, and pregnant with the seeds of its own dissolution.

This

* *Note.*—An offer made by Lord Selkirk, in the year 1803, to the North-West company, to furnish them with spirits for their Indian trade from distilleries to be carried on at his settlement at Baldoon in Upper Canada, shows, that he held a different doctrine in respect to supplying the Indians with spirits, until he found it convenient to lavish his abuse on the North-West company; unless indeed he chooses to justify himself by the argument which was used by some of the African slave merchants on the abolition question:—"We grant the trade is an iniquitous one; but if we don't carry it on, *others* "will, so we may as well put the guineas in our own pockets."

This was the light in which we saw the matter, even while we supposed it to be merely a colonizing speculation; and much more strongly would our suspicions and alarms have been excited, had we then known what has since been so forcibly thrust upon our conviction, that this pretended scheme of a colony was no other than a cloak thrown over the avaricious designs of the Earl of Selkirk to become a monopolizer of the fur trade, and one of the steps by which he meant to climb into the sanctuaries of our commercial secrets, to ransack our stores, to steal our account-books, (we beg pardon, we should have said, to bribe a needy dependent to steal his employer's books,) and meanly to pry into the private ledgers of his competitors in trade.

Maugre every evil prognostication, however, his Lordship proceeded with that tenacious perseverance, which in a good cause receives the appellation of zeal, and in a bad one is stigmatized as obstinacy; and in the course of 1812 and 1813, the plan for the colonization of Red River was proceeded on.

Lord Selkirk, or rather his *judicious* friend, who has vamped up the "Statement," gives the North-West company's partners and people, then on the spot, very little credit for the fostering humanity with which they sheltered, fed, and clothed his deluded settlers, and is *most appropriately severe* upon what he calls the *canting compassion* of the North-West company. The uniformity of all the depositions that are before you on that subject, is more than a sufficient answer to these *very charitable* insinuations.

This leads us to the second epoch of these transactions, when Miles M'Donnell, the *soi-disant* governor of Assiniboine (which in the future Gazetteers of the North-West continent, may perhaps be considered as synonimous with Barataria) issued his proclamation of the 8th January 1814. The cloven foot had before appeared by the assertion of his dominion, as well over the Indians, as over the other inhabitants of the country, of his having the right to interdict them both from fishing and hunting at his pleasure, and requiring them to bring their provisions to him alone for sale; and still more by the pains taken to impress upon the minds of the natives and of the North-West company's servants, that the ruin of that association was at hand, and that their traders would soon be compelled to leave the country, the whole soil of which was arrogantly asserted to belong to the Hudson's Bay company, and under him to their grantee, the Earl of Selkirk.

The seizures of provisions at Turtle River, at Rivière la Sourie, and on the Assiniboine River, the interruption of the navigation, the taking of our people prisoners, the notices to quit, the arming and training of the settlers to war, the arrogant and despotic tone assumed by Miles M'Donnell, styled by himself "Civil Governor," but uniformly designated by his own people under his *military* title of Captain, are all so fully stated by oral and written evidence, produced to you, that we will do no more in this place than point out to your more particular attention, that passage in the journal of Mr. Peter Fidler, one of their chief factors, under date the 21st June 1814, where he says, "*had the Captain* persevered, they would all have been starved "out in two days more," as showing the spirit which actuated the author of these proceedings against the North-West company.

So far there appears nothing but aggressions on the part of our opponents, without, on our side, the adoption of a single defensive measure.

That the settlers were trained and exercised in arms, for the purpose of forcibly putting into executions the plans of Lord Selkirk, for the expulsion of our people from Red River, and eventually from the whole of the North-West, could not be doubted; and the use made of the cannon and fire-arms supplied by Government for the protection of the colony, but which were directed to the purposes of outrages upon our people, confirmed it. Hence it was perfectly fair and justifiable in Mr. Duncan Cameron, to take advantage of the spirit of discontent and desertion which began to prevail amongst the colonists, from the miseries they had suffered, and the arbitrary conduct of their commander. By facilitating the passage of all who chose to proceed to Canada, the North-West company were diminishing the numerical force of those by whom they expected to be encountered in arms and subjected to further pillage; and had the encouragement given in this way been carried much farther than it was, it would still have been merely in *self-defence*, by reducing the physical means of annoyance possessed by our antagonists. On this particular head, we beg leave to refer you to the letter from the Honourable William M'Gillivray, which accompanies this.

Had

Had even policy not been in question, yet the common feelings of humanity for distressed and deceived fellow-subjects would have dictated the affording them every relief; and it may with propriety be asked, what would the world have said if we had not assisted them in escaping from this *land of promise*, and had left them to starve, or to be devoured by the wolves, as was the case with Keissmaster.

You have been pleased to say, Sir, that you would consider the publications before alluded to as "*moral evidence, as far as they consist of admissions made by the "respective parties.*" The letter written by Lieutenant Colonel Harvey, in behalf of his Excellency Sir Gordon Drummond, under date 12th July 1815, to Messrs. Maitland, Gordon and Auldjo, Lord Selkirk's agents here, of which a copy is printed, page 55 of the "Statement," is an admission of the sentiments entertained by the then existing government of this province, respecting the conduct of Miles M'Donnell. With a just view of the proximate causes of the disturbances in Red River, Sir Gordon Drummond directs his secretary to state, that if "the lives and "property of Lord Selkirk's settlers are or may hereafter be endangered, that "danger will arise principally from the conduct of Mr. Miles M'Donnell, his "Lordship's agent, who appears to his Excellency to have been actuated by any thing "but a spirit of moderation or conciliation in his language, and demeanour towards "the servants of the North-West company." Colonel Harvey further adds; "he "has moreover assumed powers which cannot possibly, in his Excellency's opinion, "have been vested in him, or in any agent public or private of any individual, or of "any chartered body."

Much stress has been laid upon a letter said to have been written by Mr. Alexander M'Donnell, on the 5th August 1814, a paragraph purporting to be an extract from which, is given in "the Statement," page 11. That letter, if in existence, in the hands of our opponents, has probably been laid in original before you; and from the inspection of it your judgment will decide whether the paragraph is garbled or not, and whether the interpretation attempted to be given is consistent with the contents and tenor of the remainder. It is neither our province nor our duty to justify the expressions of every private letter written by our friends, or by our individual partners, on the subject of these disputes; but it must be obvious, that in the warmth of a correspondence with a friend, expressions will escape which a cooler revisal would expunge or soften. It ought likewise to be recollected, that this letter was not written till after violent and open attacks had been made by the colonists, headed by their *captain*, upon the North-West people. Moreover, Mr. Alexander M'Donnell must have had a personal feeling of irritation at the ungrateful return he had met with from the persons, who, without his timely and persevering aid, might have nearly perished with hunger; for even the Winter's wind of that inhospitable region is not so unkind as man's ingratitude.

In this place it may not be irrelevant to observe, that it must have greatly disappointed his Lordship and the other conspirators, that nothing direct can be adduced in support of all their accusations, trumpeted forth on both sides of the Atlantic, of the premeditated intention of the North-West company to extinguish the colony by force; and, notwithstanding their unprincipled commencement of a system of interception of letters and dispatches, and of the violation of all decency and propriety in the breaking open of seals, notwithstanding their obtaining access by his Lordship's outrage at Fort William to the letters, papers and books of accounts of the concern, there deposited; nay, notwithstanding the indelicate search which the Noble Lord did not disdain to make or cause to be made in the privies at Fort William, for filthy fragments of written papers (a fact of notoriety which but for its meanness and indecorum we should have substantiated before you by evidence,) yet notwithstanding all this, they have discovered no *proof* in support of such a charge.

You are well aware too, Sir, from the evidence before you, that in no case did the North-West company's people ever fire a first shot. The extracts from their own (Mr. Fidler's) journal, show that Lord Selkirk's partizans were always the first aggressors, and with the various other depositions filed with you, constitute irrefragable proofs of the systematic plan of mere defence which the North-West company's people have all along pursued.

Totally denying all authority assumed either by Miles M'Donnell, or his assistant John Spencer, it imperiously behoved the North-West company to protect their people as much as possible from such aggressions in future; besides the seizures of the provisions having been made at a time when it was known that the Americans

had the command of the communication with Canada, and when consequently no supplies of provisions could be obtained from that quarter, and being followed up by the proclamation issued in July, prohibiting the hunting of buffaloe on horseback, apparently for the purpose of preventing the North-West company from obtaining any fresh supply of provisions, to replace what they had so unjustly been deprived of, afforded further strong proofs of the intentions of Miles M'Donnell, or of his employers, to break up the North-West company's trade altogether, and rendered it necessary to strike at the root of the usurped authority we had to contend with, by the arrest and prosecution of Miles M'Donnell and John Spencer, for their illegal proceedings. It was not to the law of the strongest, nor to the Indian law of the tomahawk, that we had recourse on that occasion, but to the regular proceedings of law, and the warrants granted against M'Donnell and Spencer were issued by a magistrate duly qualified. It has been objected, that that magistrate was a North-West partner, and we are certainly not inclined to admire the propriety of a magistrate issuing warrants in a cause in which he is himself interested, for we have seen how grossly justice may, under such circumstances, be perverted, in the instance of Lord Selkirk's iniquitous abuse of his magisterial power at Fort William, in that notorious case; his Lordship could not with truth allege that there were no uninterested magistrates who could take the ungracious task out of his hands. In his letter of the 29th July, from the Falls of St. Mary, of which an extract is given in "the Statement," page 63; he says, indeed, that the two magistrates he applied to, namely Mr. Askin, of Drummond's Island, and Mr. Ermatinger, at the Falls of St. Mary (both of them his own agents,) had avocations (probably arising from the expediency of remaining at their posts, to forward his Lordship's supplies of goods and recruits) which rendered it impossible to comply with his request, and he adds, with his accustomed adherence to veracity, that they were the *only* qualified persons who could be expected to go such a distance; yet he does not say that he *did* apply to any others; and any magistrate for the Western District of Upper Canada, in which Fort William is situated, was adequate to perform the duty required, whilst Sandwich or even York, were not too far distant, were no proper persons to be found nearer. Now, of offences committed in the Indian territories, none can take cognisance but magistrates for those territories; and there were not then (as will appear by reference to the list of persons holding such commissions at the time, published by authority) any magistrate for the Indian territories, excepting partners or agents of the North-West company, or else individuals in the employ of the Hudson's Bay company, all the latter being either in England, or at their respective posts in the bay; consequently none other but a North-West partner could by possibility be applied to. As to any appeal in such cases to the Legislature of the United Kingdom, instead of the local authorities, it could only have been done under the assumption and acknowledgment that Miles M'Donnell was a duly appointed governor of a British colony, and as such amenable to Parliament or to the Privy Council, for any abuse of his authority, an assumption and acknowledgment which have always been denied *totibus viribus et verbis* by the North-West company. Besides, the remoteness and delay of such a remedy, would have entirely destroyed the beneficial effects of it.

The arrest of Spencer in October 1814, the surrender of M'Donnell in the following Summer, and the subsequent dispersion of the colonists by the half-breeds, (we refer particularly to the treaty entered into between the half-breeds and the colonists, by which the latter engaged to retire from the Red River, *that no appearance of a colony should remain*, and that only a limited specified number of the Hudson's Bay traders should in future frequent the river; whence the burning of the colonial houses, and the permission granted to one of the Hudson's Bay company's servants to remain for the purpose of collecting the crops,) are events which must stand upon their own ground, and which terminate the second epoch. During this period, however, a transaction attended with fatal consequences took place at Isle à la Crosse, in February 1815. The aggression there was as usual, on the part of the Hudson's Bay company, and arising from the mischievous principle which Lord Selkirk's instructions inculcated, that the North-West people were trespassers, and their traps and nets should be seized, "as you would in England those of a poacher;" the death of the North-West engagé L'amoureux, as well as that of Mr. Johnstone, the Hudson's Bay company's clerk, both killed on that occasion, show as forcibly as any other occurrence, the dreadful consequences arising from the pertinacious pursuit of these pretended rights.

Before

Before entering upon the third epoch, we would just touch upon the rewards said at page 30, of "the Statement," to have been bestowed upon some of the settlers who went over to the North-West company; we would remark en passant, that the *very honourable* manner in which Lord Selkirk became possessed of the memorandum book there alluded to, is known to you from the deposition of A. J. Williamson.

This was one of the documents that that person was bribed by his Lordship to steal; a felonious act, in which Lord Selkirk, his Countess, and his attorney, are all accessaries, both before and after the fact. The book itself is not one of any authenticity or of record in the accounts of the company; but it does not appear from it, that these rewards were actually paid to the parties, and it would seem that the memoranda at the bottom of the accounts were only recommendations by the gentlemen who had been immediately in contract with these men; besides, as they all worked in the canoes and boats of the North-West company, and in other respects served as labourers, they were consequently entitled to receive pay for those services; but supposing even they were so remunerated as alleged, we maintain that, upon the principle before laid down, that the North-West company were entitled in self-defence to decrease, by all the means in their power, the physical force of those who were oppressing them, the recompencing those who had joined their party would not only be a vindicable act as regarded themselves, but also an act of justice as regarded those individuals.

The leading events of the third epoch, which we consider as commencing with the arrival of Colin Robertson at the Red River, in the Summer of 1815, and terminating at the second dispersion of the colony, after the death of Mr. Semple, though numerous and important, being only consequences arising from antecedent circumstances, require little more than the enumeration of them. They were, 1st, The seizure in October 1815 of the persons of Mr. Duncan Cameron and others, the temporary taking possession of Fort Gibraltar, and the carrying away all the arms from that post.

2d. The ultimate capture of Fort Gibraltar on the 17th March 1816; the taking of the furs and canoes of the North-West company, and sending them, together with Mr. Cameron, as a prisoner, to England, by way of Hudson's Bay*; the further robberies of provisions and other articles there, and the final destruction of the fort; the removal of part of its materials to construct Fort Douglass with, and the burning of the remainder.

3d. The interception of the North-West express, and breaking open the letters.

4th. The seizure of the North-West company's post at Pambina, on the 20th March, the taking our people there prisoners, and the robbery committed there of arms, &c.

5th. The dispatch of an armed force to seize in like manner our establishment at Rivière qui Appelle, and to secure the person of Mr. Alexander M'Donnell, in which however they were frustrated.

6th. The fitting out of the armed schooner "Cuthullin, in man of war style, to "be moored at the mouth of the river, to intercept the North-West canoes," and "to give the North-West scoundrels a drubbing."

7th. The negotiations between Alexander M'Donnell and the heads of the colonists, Robert Semple and Colin Robertson, consisting of demands made by the former of the restitution of the post at the Forks, and the property taken there, and of refusals, evasions and threats, by the latter.

8th. The retaliatory steps taken by Alexander M'Donnell, finding that he could not get back the fort at the Forks in a peaceable manner, in seizing the provisions, &c. belonging to the Hudson's Bay company, which he could lay hold of.

9th. The steady and judicious conduct pursued by Alexander M'Donnell in his progress towards the Forks, in order, if possible, to get the North-West company's provisions out without bloodshed or even collision.

10th. The alleged assemblage of the half-breeds from various quarters; and,

11th. The

* *Note.*—Recent advices from England state the arrival of the Hudson's Bay company's ship the Eddystone, with Mr. Cameron and the plundered furs, in November; that the latter were about to be unconditionally given up to the North-West company's agents, and that Mr. Cameron was consulting legal authority, as to the best mode of obtaining redress for the false imprisonment and other outrages he had been subjected to.

11th. The wanton and wicked attack made by Mr. Semple and his party on the detachment who were conducting our provisions, which terminated so fatally to the aggressors.

We believe, that the whole of these transactions, and the circumstances attending them, will be found to appear upon your files of evidence, and we are not conscious of having kept back any material document or testimony relative thereto.

They form in their progression a strong unravelling clue to the deep designs and machinations which had been laid and practised, though with such little eventual success in the preceding years. No one could doubt, that the successive seizure of all the North-West company's posts (a plan of campaigning which it was openly avowed was intended to be carried into Athabasca, and the remotest part of the North-West,) would be followed up by their total expulsion, and to have tamely sat down under these unprovoked aggressions, robberies and oppressions, was more than could be expected from any set of men; yet of the leading events of that period, there are only two which can be considered as proceeding from remedial measures on our part, whilst there are no less than six notorious instances of aggression on the part of our opponents.

The intercepting of our letters (which if not a complete justification, is at least a very ample palliation of the subsequent interception of Lord Selkirk's express at Fond du Lac,) was another feature of the conspiracy, and the menacing terror of Mr. Semple's and Colin Robertson's letters filed with you; particularly that in which Mr. Semple speaks of a blow "that would be felt from Athabasca to Montreal," added to the daily growing conviction, that the deep-laid schemes of our adversaries were ripening into a forcible and destructive explosion.

Of the two circumstances which we have alluded to, as proceeding from remedial measures on our part, we will dismiss the retaliatory steps taken by Alexander M'Donnell, after repeated and fruitless demands for redress, and the flat refusal to deliver back the post at the Forks, accompanied by the defiance of Colin Robertson, who was "determined to dispute the ground by inches;" and leave them to stand upon their own bottom in the eyes of Government, with the observation, that we hope the effectual protection and redress we seek will not be so far withheld as paralysed, as to make us regret that we have not *in all cases* had recourse to the *lex talionis*, to right and recompense ourselves.

The assemblage of the half-breeds requires a little further comment; we need not dwell here upon the organization of that class of men. You are yourself, Sir, personally aware, that although many of them, from the ties of consanguinity and interest, are more or less connected with the North-West company's people, and either as clerks or servants, or as free hunters, are dependent on them; yet they one and all look upon themselves as members of an independent tribe of natives, entitled to a property in the soil, to a flag of their own, and to protection from the British Government.

It is absurd to consider them legally in any other light than as Indians; the British law admits of no filiation of illegitimate children but that of the mother; and as these persons cannot in law claim any advantage by paternal right, it follows, that they ought not to be subjected to any disadvantages which might be supposed to arise from the fortuitous circumstances of their parentage.

Being therefore Indians, they, as is frequently the case among the tribes in this vast continent, as *young men* (the technical term for warrior) have a right to form a new tribe on any unoccupied, or (according to the Indian law) any conquered territory. That the half-breeds under the denominations of *bois brulés* and *metifs* have formed a separate and distinct tribe of Indians for a considerable time back, has been proved to you by various depositions.

Now, if a person is aggrieved or in imminent danger, will not the law of nature, which is the foundation of all other law, both bid and entitle him to seek for aid and protection against the injuries and dangers with which he is threatened, amongst those who are able and willing to assist him? And who more able, who more willing, who more bound to assist their relations, their friends, their employers, than those contemned half-breeds?—Those whom the liberal book-maker in Lord Selkirk's half-pay (see Statement, page 17) terms "a lawless banditti," the illegitimate "progeny chiefly of "the Canadian traders by Indian women." These, whom the unfortunate Semple in his letters contemptuously calls "your *black-breed* allies." Seeing then that the menaces

menaces of his opponents were fulfilling, that the capture of Fort Gibraltar, and of the post of Pambina, and the attempt to get possession of his own post and person, would be followed up by every possible measure of violence to cut off all communication between him, the northern departments and Fort William; and well knowing the salvation of the North-West company depended on getting out their provisions from Assiniboine River, to prevent the distress and probable starvation of all the brigades coming through Lake Winnipic, it was prudent, it was politic, it was just, it was the bounden duty of Mr. Alexander M'Donnell to avail himself of the proffered assistance of the half-breed tribe, to make common cause with them, and to secure the protection of their physical strength, both to save the persons and property of the North-West company from further outrage and pillage, and to carry out the provisions so indispensable for their existence. These objects were much facilitated by the irritation which had been produced in the minds of the half-breeds, from the violation of the capitulation they had granted the colonists the year before, and from the violences committed on the persons of the chiefs, Bostonois, Fraser and others, at Pambina and other places. Steadily therefore pursuing these measures of self-defence, the bringing so many of the half-breeds together into one body was necessary and laudable; and although it was found, that by giving so much consequence to the new nation, they were led to consider themselves as beyond control, and were occasionally objects of alarm and uneasiness to the North-West people themselves; yet we do not hesitate to avow, that under such circumstances, to avail of their services for the protection of our property and our trade, was not only what we were justified in doing, but what we must of necessity repeat, if compelled to it by similar dangers. But these very people who are so vilified by our opponents were always courted by them, particularly by Mr. Semple and his coadjutor, Colin Robertson, and were endeavoured to be gained over by flattering promises of superior advantages, beyond any they could get from the North-West company. A cavalry body-guard of them (and none more active in the saddle, more expert with the firelock, or more warlike in deportment, could be found in this hemisphere, as you yourself, Sir, who have seen them in a body, will allow) was even considered as an appendage that would add dignity and strength to the government of Assiniboine, could such a body of household troops have been procured; but unfortunately "the knaves were stubborn," and would not be persuaded; or perhaps they had an inkling of a report that was in circulation, that it was intended to decoy as many of them as possible under this specious pretext, and send them away to Hudson's Bay, and thence beyond seas; a fate which to them must have appeared as a Siberian banishment to an European. To return, however, from this digression, Mr. Alexander M'Donnell, with a prudence and foresight, justified both by the past occurrences and the events that ensued, collected and combined these allies in one focus, and entrusted to part of them the execution of a material part of his plan, for extricating the North-West company from the snares in which they were sought to be entangled. The prudence, the coolness, the forbearance, and, when the trial came, the fortitude and generalship with which these men conducted themselves on the lamentable occasion that ensued, —now that prejudice ought to have passed away—now that truth is about to dispel the mist of falsehood, scurrility and calumny which hung over the affray of the 19th of June 1816—now that you have yourself on the spot narrowly investigated all that related to it, must be subjects of approval; and boldly will we venture to predict, that the stricter the inquiry, the more certain it will appear that Mr. Semple and those who perished with him, fell sacrifices to their own illegal and inconsiderate aggression.

Before we proceed to the fourth act of the drama, we wish to make some remarks on the contents of the letters intercepted at the forks, which have been magnified into supposed proofs of "a diabolical plan, on the part of the North-West company, to "destroy the colony." Protesting again against being responsible for what our friends, our individual partners, or our dependents may write in the confidential freedom of correspondence, yet we do not see in those letters, as printed in the "Statement," pages 71, 72, and 73, or as quoted by Mr. Semple in his letter of the 10th April 1816,* any thing more than on the part of Mr. M'Donnell, the natural feelings

* *Note.*—It is worthy of remark, how aptly, but unintentionally, Mr. Semple, in the letter alluded to, fits the cap on the head of himself and associates; in quoting paragraphs from the intercepted letters, he illustrates by parenthesis that would otherwise be obscure: "A storm is gathering to the "northward ready to burst over the heads of the rascals" (the Hudson's Bay company:) "never had "we such a set of villains, men and gentlemen, to contend with," (viz. Messrs. Sutherland, Fidler, Robertson, and myself.)

feelings of indignation which must have arisen in his mind, from the series of ingratitude, aggression and menaces, which he had endured; and on the part of Cuthbert Grant, an expression of the resentment he felt, as principal chief of the half-breed tribe, at the violation of the capitulation which was granted to the colonists, when his tribe had dispersed them the year before.

But it is time that we should now advert to the portentous preparations that were going on behind the curtain, for opening the fourth act with a *coup d'eclat*, which it was hoped would be a *coup de grace* to the North-West company.

The engagement by Lord Selkirk at Montreal, of about 140 of the disbanded soldiers of the late De Meuron and Watteville regiments (bound to serve also as militia men, in a country where there were no militia laws,) and a necessary compliment of officers, his obtaining a body guard of a detachment of the 37th regiment, and the embarkation of the force collected at La Chine, with heavy artillery, in the beginning of June 1816, where they were marshalled in full uniform to the sound of the drum and the bugle, are events of proof before you, which need only be mentioned to show how unequivocally they indicate the long previous premeditation of the blow, "the shock of which was to be felt from Athabasca to Montreal."

In the Statement it is asserted, page 62, that Lord Selkirk had no other intention, previous to receiving the intelligence of the disasters which had befallen his colony, than to proceed by way of Fond du Lac, the river St. Louis, and the Red Lake, and had no idea whatever of going to Fort William. We must be permitted to express our conviction that this is not true; with few exceptions, the Canadian voyageurs he had with him were, we believe, only engaged to go as far as the falls of St. Mary, Fort William, or the Grande Portage. He remained eight or ten days at the former place; he had no more than about eight canoes fit for the navigation of the interior, and the whole of his stock of provisions, liquors, &c. was in barrels, or in larger casks, which it was impossible to convey further than Fort William; his cannon very heavy, iron pieces, six and nine pounders, could not be conveyed to the Red River, as no package exceeding one cwt. (the usual weight of packages is 90lb. each) can be sent to the interior country from Lake Superior, and these guns, after having been employed in the forcible capture of Fort William, are now at his Lordship's military post established about ten miles from that place, and which, in gratitude for the essential services he has derived from the De Meuron soldiers, he has dignified with the appellation of *Point Meuron*. Some of this artillery, with a quantity of warlike stores, his Lordship had received at Drummond's Island, whither, along with a lot of provisions, they had been sent from Buffaloe on Lake Erie. Every one acquainted with the country and the inhabitants, knows that to proceed with very light baggage by the route of Fond du Lac, through Reedy and Sandy Lakes (names sufficiently indicative of their shallowness and difficulty of navigation,) to the Red River, is an arduous undertaking for an unincumbered individual; to allege, therefore, that with all this ponderous apparatus of war, this unwieldy *material*, it was originally intended to pursue such a route, is supposing either that those who are to be imposed on by such a tale are the merest drivellers, or else that the parties themselves who intended it were more imbecile than we believe they will admit themselves to be.

If Lord Selkirk had not a previous plan to seize upon the stores and property at Fort William, which it can hardly be believed he had not, he greedily seized "the "glorious golden opportunity," and made the occurrences in June 1816 the pretence for his subsequent lawless proceedings, in the same manner as it is probable had those not taken place, he would have made the expulsion of his colonists the year before a cloak for his premeditated outrages.

All the circumstances connected with the taking forcible possession of Fort William, the military occupation of that place, and the various other violent acts of Lord Selkirk and his adherents during the winter of 1816-17, have been officially made known to you.

Language fails us to convey the indignation we feel at the flagitious transactions of that period. If any thing could equal the infamous iniquity of prostituting the magisterial authority, to serve the base purposes of malignity and avarice, it would be the mean and paltry arts practiced to entrap Daniel Mackenzie into the famous sale and submission, which have been so properly considered as nullities in essence and effect.

The depositions you have taken, the evidence before you, and your own personal investigation of these matters, preclude the necessity of our entering into any further detail of them; and it would have principally remained for us to advert to the combination

bination and concatenation of all these circumstances with the conspiracy which *ab initio* was formed for the ruin of the North-West company, were it not that its acmé in the capture of Fort William, the dispersion of the partners and clerks, and the possession of all the books and papers there, belonging to the concern, is so apparent and glaring as not, we think, to require any illustration.

A few words must now be said as to the occurrences in Athabasca and English River, in the winter of 1816-17. The steps taken in those departments on the part of the North-West company, were purely those of preventive self-defence. The narratives before you, of Mr. Archibald Norman M^cLeod, and of Mr. John Thomson, need only be referred to; the alarm naturally excited through the whole interior country, amongst the people of the North-West company, especially when augmented by the open exultation of Mr. John Clarke, acting for the Hudson's Bay company, and Lord Selkirk in Athabasca, and of others on other occasions, at the capture of Fort William by Lord Selkirk, and the avowed intentions of the Hudson's Bay company to take our people prisoners, and send them away to the bay, were most decisive causes for acting upon the principle of prevention. The plainest and most undeniable principles of self-preservation called for these counter-measures of policy, which will, in every point of view, stand the test of a contrast with the proceedings of Lord Selkirk and his adherents; the deluge seemed pouring in upon them, and being put in jeopardy by the flagrant and flagitious outrages which had taken place, the Athabasca people found themselves compelled to prevent the wider range of destruction contemplated and menaced, by paring the claws of the wild beast, and manacling his destructive powers of rapine. When Blackstone (book 3, chap. 1, the title of which is, "the redress of private wrongs by the mere acts of the parties,") admits, "that there are injuries of such a nature, that some of them require a more "speedy remedy than can be had in the ordinary form of justice, and that there is "allowed in those cases an extra-judicial and excentrical kind of remedy," it applies of course, to the civilized and populous counties of England; and if even there, where at least every ten miles the authority and power of public justice can be resorted to, it is admitted, that there such cases as will allow of "redress by the mere act of the parties," *a fortiori*, must that principle be admitted in Athabasca, thousands of miles from any civil jurisdiction, and in a case where delay was destruction, and forbearance suicide? If any irregularity have occurred in these proceedings, the individuals concerned will be ready to defend themselves. We are not over fond, as our noble opponent does not hesitate to do, of taking things upon *our own responsibility*; for, notwithstanding the unremitting endeavours that have been used to blast our fame, *we* have still some character and credit to lose; and will only further observe, on the measures that have been pursued by our partners and friends in the northern departments, that we hope and trust that sufficient and substantial justice will be done to us, so as that we may not have to repine at our long suffering and forbearance in other quarters, or to regret that we have not made, as was at all times in our power, *main forte* and *basse* upon all our adversaries.

The only remaining subject of remark, which we wish to press upon your attention, is the extreme assiduity with which Lord Selkirk and his adherents have disseminated, by every means in their power, their calumnious tales, their false and libellous assertions, with a scurrility that is degrading to those who adopt it. Lord Selkirk is well aware of the power and influence of that mighty lever of public opinion, the press, and both in England and Canada has he profited by it, with a success which is manifest in the bias that so much prevails in the minds of men wherever his baneful productions have been circulated. Indeed, the Attorney General lately stated to the Court of King's Bench for the district of Montreal, "That he would represent "to the Government, that justice, both to the Crown and to the individuals accused "of offences alleged to have been committed in the Indian territories, required that "their trials should be had elsewhere, where impartial juries could be selected."

This pre-occupation of the public ear is another feature of the grand conspiracy, of which the aim is to destroy our characters and fortunes. But we place full confidence in the justice and protection of Government; *magna est veritas et prevalebit*; and we anxiously dare the utmost assault of his Lordship's rancour, well knowing that we shall come forth from the crucible, like "gold twice tried in the fire."

I have the honour to be, &c.

(Signed) *W^m M^cGillivray*,
For self and the other agents of the Nort-West company.

The Hon^ble W. B. Coltman,
Special Commissioner, &c. &c. &c. Quebec.

584.

No. 35.

Copy of a Dispatch from Lieut. General Sir John C. Sherbrooke, G. C. B. to the Earl Bathurst, K. G.; dated Quebec, 1st July 1818:—One Inclosure.

My Lord, Quebec, 1st July 1818.

I have the honour to transmit your Lordship, herewith, copy of a second confidential report made to me by Mr. Coltman, on certain local circumstances relative to the Indian territories; and I beg leave to call your Lordship's attention, particularly to his suggestions, as to the division of the Red River territory between the two contending companies, by an amicable arrangement between them; and as to the course of policy to be adopted between the half-breeds; both of which points require the serious consideration of His Majesty's Government, as no arrangement could be made here with respect to them that would be permanent.

I have the honour to be, &c.

Earl Bathurst, &c. &c. &c. (Signed) *J. C. Sherbrooke.*

Inclosure (1) in Sir J. C. Sherbrooke's, of 1st July 1818.

Sir, Quebec, 20th May 1818.

I take the liberty of again addressing your Excellency, in conformity to what I had the honour of mentioning in my letter of the 14th inst. in order to communicate certain local circumstances relative to the Indian territories, to which my attention was necessarily directed during my mission there, and which may perhaps be deemed worthy of some consideration in any final arrangement that Government may judge expedient to make, in regard to the same.

At the period of my leaving Red River, in September last, the number of settlers, chiefly Europeans, remaining there, might be from 100 to 150 men, of whom many had families. It was principally on account of these people, that I thought it right to give some encouragement to the inclination existing on the part of the Saulteaux Indians, to convey a portion of their lands to the Earl of Selkirk for an annual quit-rent; the particulars of this transaction, and of the precautions I took to avoid the possibility of my committing Government, I have already the honour of stating in my letter to your Excellency of the 6th December last, and I now, therefore, allude to the subject only, for the purpose of calling the attention of Government to the situation of these people, in whatever measures may be finally adopted respecting the settlement; whether it may be found advisable, as a matter either of right or policy, to leave it in one shape or other under the protection of the Earl of Selkirk, to take under the immediate care of Government, or to remove the individuals to some other situation; should this last measure not be deemed advisable, some advantages might certainly attend the leaving it under the care of the Earl of Selkirk, as the strong personal anxiety of his Lordship for its success, would induce a zeal and activity in promoting the object, which few considerations could excite in any other individual; at the same time that the sentiments of public spirit, which had probably a share in first suggesting his Lordship's undertakings, might be deemed to merit some encouragement from government, should other circumstances render it possible to attend to this consideration. The interests of the British fur trade, as well as the political connection with the Indians, might also probably be best promoted by leaving this portion of the country in the hands of the Earl of Selkirk, or the Hudson's Bay company; as the intercourse they are forming by the route of the Red River, with the Sioux Indians, through the medium of Lieutenant Colonel Dickson, (whose influence with that powerful Indian nation is, I believe, well known to your Excellency,) may hereafter become an object, both of commercial and political consequence; an arrangement for giving effect to these objects, (if not extended to the Assiniboine River, or to the preventing the free navigation thence to Lake Winnipic,) might be so formed as not to interfere with the necessary supply of provisions, which must be collected in the Prairie country, for the use of those who have to penetrate to the North-West of the waters falling into the Lake Winnipic, the most valuable fur country; a trade which, should other circumstances be found to warrant such arrangement, could certainly be undertaken with much greater advantage, both public and private, by the individuals now concerned in the North-West company than by any other persons, both from their capital, and local knowledge; and still more from the organization of a numerous body of men fitted to fill every situation required by a trade extending over so vast a space. The arrangements for a division of the country near Red River would be greatly facilitated by the actual dispositions of the Indians themselves; the Saulteaux who inhabit the country

country immediately adjoining the Red River proper, the lands whereof are understood to be fittest for an agricultural settlement, appear decidedly favourable, both from interest and inclination, to such an establishment; whilst the Knistmaux, or, as they are generally called, the Cree Indians, who inhabit the Assiniboine branch of the river, although rather jealous of the settlement, and universally acknowledged to be the original proprietors of the lands which the Saulteurs inhabit only by sufferance, have, apparently from consideration of these latter, virtually said that they would confine themselves to the country above the River des Champignons, a stream which falls into the Assiniboine, and not interfere with any arrangements which the Saulteurs might make below that point. A division of the country of this nature, would also be attended with the advantage of affording to the respective partizans of the two contending companies a choice of establishments, in one or other of which all parties might probably find a satisfactory residence into whatever hands the trade might fall; a provision which seems dictated as well by justice as prudence, in a case where many of the lesser offenders must be allowed to have been rather misled than wilfully guilty. At the same time, that the minds of the two parties have been so much inflamed, that it is doubtful whether they could remain long together without some danger to the public peace, notwithstanding the universal and ready obedience that has been hitherto shown to the Prince Regent's commands for the pacification of the country. Another object of material consequence towards insuring the peace of the country is, that a selection should be made as early as practicable of those half-breeds whom it may be thought proper to fix upon as objects for example, in order that the remaining, being relieved from apprehension, may not be led by the suggestions of the more desperate to commit further violences. The greater number of these men have, as I understand, retired within the American territory, amongst the numerous and warlike Indian tribes inhabiting the banks of the Missouri; and I entertain very serious apprehensions, that if some steps are not adopted to recal a portion of them, they will excite an Indian warfare which may prove fatal to the colony, as the actual disposition of the natives in that quarter would render this a work of no great difficulty. I also further apprehend, that if any number of the half-breeds are left permanently in the territory of the United States, they may ultimately afford the means to the merchants of that country to obtain a considerable share of that part of the fur trade which has hitherto been exclusively British; plans for which object I rather suspect to be already in agitation. Should Cuthbert Grant be able so far to clear himself from the more heinous offences with which he is charged, as to be at all considered a fit instrument for Government to make use of, that may be wished for with the other half-breeds, amongst whom his influence appears very great, as I believe it also to be with the Cree Indians, from a considerable family belonging to which tribe he is understood to be descended on his mother's side.

This consideration, combined with many others, has made me perceive with great satisfaction, the intention of the Attorney General to bring to an early issue the trial of Grant and the others accused of the murder of Owen Keveney. The deliberate and cold-blooded manner in which this crime appears to have been committed, marks it with peculiar atrocity, and totally distinguishes it from the other offences of the Indian country; independent therefore of the general views of public justice, and which such an occurrence calls for the strictest and earliest investigation; the same course appears to me also urgently required, for the purpose of forming a correct general opinion respecting the occurrences of the Indian country, by ascertaining whether this crime is to be imputed to the laxity of principles and sanguinary habits formed in the mind of a foreign mercenary, during a long course of warfare and bloodshed, and called into action by the disturbed state of the country; or whether it shall appear, that the general spirit of illegal monopoly, which has been shown to have given rise to so many acts of violence and oppression on the part of the North-West company, can have led any number of individuals belonging thereto into a wilful participation in a crime so atrocious as the present seems from the evidence before me to have been, as respects Cuthbert Grant's character; also, in consequence of his influence with those of his race, it appears to me an object of material consequence to ascertain, whether there is any reasonable grounds of suspicion against him, as if so, his general appearance of frankness and generosity would render him only the more dangerous character; whereas, if completely freed from this charge, the rest of his conduct appears natural and consistent; for although exhibiting much blameable and illegal violence, it is marked in no other instance by circumstances of atrocity, but on the contrary by many quite the reverse, whilst his offences in general must be allowed to be greatly palliated by the sincere opinion which he seems to have entertained, that

the half-breeds and North-West company were the attacked and injured parties; and his zeal and fidelity in the service of the latter cannot but command some degree of respect, when it is considered that from the age of seven, when he was left an orphan by both parents, he has, till within these few years, been protected and educated by the North-West company, and has known no other friends and connections than them. A further cause of my satisfaction that the present trial is to be brought to an early conclusion is, that in the event of Grant's acquittal, I shall feel it my duty to call the attention of Government to the propriety of procuring further witnesses from the Indian territory; as from a mature consideration of the whole evidence before me, especially that which has been filed since my return from Lower Canada, I am satisfied that the other principal charges against Grant, especially those for the murder of Governor Semple, and the burning of the colonial houses, cannot by any other means be fairly tried; in what mode it will be proper to proceed in this case, may admit of some doubt, as the witnesses required are (as to the particular charges in question) rather for the defence than the prosecution. At all events, I think it right on principles of natural justice to notice the subject, and at the same time respectfully point out proof thereby afforded of the importance of bringing forward, at the earliest possible period, the trial of the great public misdemeanors which have given rise to nearly all the offences of the Indian country; none of which latter can be fairly tried without some examination of those circumstances which would fully appear on the trial of the leading question above-mentioned; the witnesses necessary for such trial would also generally be the same as those whose presence I think important for the fair trial of the accused.

As in making this statement, I conceive myself to be doing a mere act of justice to the parties concerned, I deem it unnecessary particularly to allude to what passed between me and those of the half-breeds who surrendered voluntarily; although this last consideration does, in my mind, appear to render it peculiarly my duty to watch that no injustice is done to them, either from inadvertence or otherwise. A copy of my letter to Cuthbert Grant, of the 31st July last, which contains the substance of every thing that passed between myself and the half-breeds on the present subject, I had the honour to transmit to your Excellency in my dispatch of the 16th November last, together with general statements of the motives which had induced me to write it, containing, as it does, nothing beyond a general expression of my opinion, and a pledge to solicit the mercy of Government, in favour of those who may ultimately appear free from the more atrocious charges; it appears to me unnecessary to trouble your Excellency with further details of the circumstances which led to my adopting this measure; but should the propriety of the proceeding at any time be doubted, I would request your Excellency's permission to be allowed to state the various facts stated therewith more at length.

I feel myself called upon, before closing this letter, to notice to your Excellency the general and unreserved obedience paid by all classes in the Indian territories to the commands of the Prince Regent, conveyed in the proclamation of the third of May 1817; this sentiment appeared so universal, that probably neither party could have opposed it with any probability of success; at the same time it is but justice to say, that neither of them, to my knowledge, showed any disposition to make the attempt; on the part of the Earl of Selkirk, this was the more marked, as in all those parts of the country which I visited in person, it was his Lordship who had to make restitution, whilst at the same time he appeared to possess a physical force capable of overwhelming all opposition, and must necessarily have felt much irritated by the violent manner in which the North-West company proceeded to re-occupy their posts. At Lac la Pluie, where Mr. Shaw arrived with the proclamation several days before I got forward, there was an absolute trespass and breach of the peace on the part of his followers, whilst at the forks of Red River, the immediate destruction by their cattle, of a crop of barley which had been planted on the spot, appeared particularly irritating to the Earl, although peaceably acquiesced in by him on ascertaining that, under the proclamation, there could in my opinion be no doubt of their strict right to re-occupy the site of the post. Of his proceedings in these respects the Earl of Selkirk was very desirous I should grant him an official certificate; but with this request I have ultimately not deemed it proper to comply, without the previous permission of your Excellency, particularly as I never had occasion to make any order for the restitution of any of the North-West company's posts, the whole having been restored without contest. In the course of these discussions, his Lordship has explained to me his ideas, that although bound in the first place to yield implicit

plicit obedience to the injunctions of the proclamation, yet that such proceeding was not to prevent him from attempting to obtain redress, at the proper time and place, for any injustice he might sustain; his Lordship mentioned also the particular mode of proceeding which he had in view, to be a legal application to the Privy Council, grounded on a wrongful exercise of authority by the Government of Lower Canada, within the limits of the proprietary Government of the Hudson's Bay company, by which means the question of boundary would at once be brought before the tribunal where it must be finally decided, and before which his Lordship seemed to think that the certificate he asked from me would so far establish the facts of the case, as to enable him to proceed without the expense of producing oral testimony.

These considerations tending, however, rather to increase my doubts of the propriety of complying with his Lordship's request, our intercourse on the subject ended in my offering to submit the application for your Excellency's approbation, whenever the exact terms of the proposed certificate should be agreed upon; and in my assuring his Lordship, at the same time, that I should not, in any event, fail in my report to Government to do justice to the uniform obedience to its commands, which I had witnessed on his part in the Indian territories, an assurance which I am the more anxious to call to your Excellency's attention, as the Earl appears ultimately inclined to rest satisfied with it alone; another circumstance connected with the present subject, to which I feel myself called upon, in justice to the parties, to bear my testimony, is the general moderate and orderly conduct of the men of the late regiment De Meuron, of whom not a single complaint of any thing approaching gross violence, was brought before me during my whole mission, a circumstance which I apprehend is chiefly to be attributed to the care and precaution of their officers, whose successful exertions in this respect, and particularly in guarding against the effusion of blood in the various scenes of tumult at which they were present, must, I think, be considered as counterbalancing, in a great degree, any minor errors into which they may have been led by the warmth of party spirit.

There remains only one subject more to which I have to solicit your Excellency's attention, but this appears to me to be a matter of importance towards insuring the peace of the country, I mean the mode of giving effect to the processes of the late courts, on the various bills of indictment found: I have more than once represented to the Attorney-General, my serious apprehensions of the consequences that might attend the putting these processes into the hands of either party to execute against the other, and have reason to believe, that he entirely agrees with me in opinion on this particular; but, at the same time, I could not feel justified in omitting to notice the subject in my communications to your Excellency, and particularly as I find the minds of the North-West party much exasperated by a late proceeding of the Attorney-General in entering *noli prosequis* on most of the bills found against the adverse party, a measure respecting which, I by no means intend to express any opinion, on the very slight information I possess, further than that the natural tendency it has to produce misconception on the minds of the parties, joined to the known legal doubts entertained by many respecting the validity, subsequent to the dissolution of a Court of Oyer and Terminer, of the processes issued by it, and particularly beyond the district in which it sat, appears to me to call for increased care and precaution, in the modes to be adopted for enforcing the same.

I have the honour to be, &c.

*W. B. Coltman.*

His Excellency
Sir John C. Sherbrooke, G. C. B.

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No. 36.

Copy of a Dispatch from Lieut. General Sir John C. Sherbrooke, G. C. B. to the Earl Bathurst; dated Quebec, 4th July 1818:—Two Inclosures.

My Lord, Quebec, 4th July 1818.

I Have the honour to transmit your Lordship herewith, copy of a representation made to me on behalf of the North-West company, stating several grievances to which they allege that they have been subject by certain proceedings within this government, arising out of the contest between them and the Earl of Selkirk.

These statements of the North-West company, in some degree reflecting on the administration of the colonial government, I deem it my duty to submit them to your Lordship's consideration, subjoining at the same time, however, copy of a reply, in my judgment very conclusive, which I have received from the Attorney General, to

whom I thought it right to refer the representation of the North-West company; as the grievances therein alleged appeared to have arisen from the proceedings in the courts of criminal law in this province, of which the direction and control rest with that law officer. I have the honour to be, &c,

The Right Hon. the Earl Bathurst, &c. &c. &c. (Signed) *J. C. Sherbrooke.*

Inclosure (1) in Sir J. C. Sherbrooke's, of 4th July 1818.

Sir, Montreal, 6th June 1818.

The great injury and inconvenience to which the North-West company have been exposed by the abuse of legal process, in the course of the differences that have latterly existed between that company and the Earl of Selkirk, and the probability of the continuance of the same system, induces me, before leaving the province for the Summer, to address myself to your Excellency, as the only source whence immediate relief can be expected. I trust, that the magnitude of the interests involved in these differences and their importance, not only in relation to the parties, but also to the public, and even to the Government, will be deemed by your Excellency a sufficient reason for my trespassing upon your time.

A due regard to the interests of the North-West company, and the respect which its members owe to His Majesty's Government, seem to them imperiously to require that an explicit statement of their grievances should be laid before your Excellency, so that on the one hand, they may not by silence, be considered to have acquiesced in the conduct which has been pursued towards them; and, on the other hand, that acts of unprecedented oppression under the colour of law, may not appear to have received the sanction of a Government, at all times distinguished by its love of justice, and regard to the rights of its subjects.

It is not my intention at present to enter into a discussion of the merits of the case between the North-West company and the Earl of Selkirk. Happily for that company, the proclamation of His Royal Highness the Prince Regent, issued last year by your Excellency, declares sufficiently the sense entertained by His Majesty's Government, of the authority assumed in the Indian territories by his Lordship's adherents, and of the aggressions at Fort William, planned and perpetrated by himself.

The countenance apparently given to his Lordship's plans by the provincial government before your Excellency's arrival, in granting him a military guard, notwithstanding repeated representations against that measure; the permitting his Lordship to levy that military force, with which he proceeded to attack the North-West company; the delay which took place in affording them any remedy or protection, and subsequently the temporary interruption of their trade, in the stoppage of their canoes at the Falls of St. Mary, by one of the special commissioners of inquiry; all these are subjects of complaint which the North-West company conceive they might justly bring forward; but inasmuch as they are now past remedy, I shall not intrude them farther upon your Excellency's attention, but shall confine my representation to those grievances which may still, by your Excellency's authority, be redressed.

The North-West company therefore, through me, respectfully beg leave to represent to your Excellency, that they are aggrieved;—

1st. By the delay which has taken place, in affording to the partners and servants of the North-West company, arrested at Fort William by the Earl of Selkirk, in the month of August 1816, an opportunity of establishing their innocence.

2d. By the delay which has taken place, in affording the like opportunity to the servants of the North-West company, stated to have been present at the affray of the 19th June 1816, near the forks of the Red River, and by the long confinement of some of those individuals.

3d. By the issuing of bench warrants since the adjournment of the court of oyer and terminer, at Montreal, in February last, for the arrest of partners and servants of the North-West company, accused by the Earl of Selkirk.

4th. By the institution of prosecutions in two different provinces, against the partners of the North-West company, for the same alleged offences.

5thly. By the entry of *noli prosequi* upon the several bills of indictment found by the grand jury of the district of Montreal, in the last term of the court of King's Bench, against individuals in the service of the Earl of Selkirk.

The

The arrest of the principal partners of the North-West company, at Fort William, by the Earl of Selkirk, at the head of an armed body of disbanded soldiers; his subsequent forcible occupation of that post; the seizure and detention of the valuable goods therein; and the appropriation of a large portion of them to his Lordship's use; the seizing of the books and papers of the North-West company; were acts at once violating the civil rights of the company, and wounding most sensibly the feelings of its members.

The gentlemen, who were thus treated as outlaws, were anxious to show, that the charges preferred against them by the Earl of Selkirk, to palliate what could not be justified, were unfounded, they caused to be conveyed to Montreal the witnesses necessary for their defence, where they have since been detained at a great expense; and when, in April last, there was reason to hope that the Earl of Selkirk would be called upon to support his charges in a court of law in Upper Canada, the partners and servants of the North-West company, lost no time in proceeding to the seat of Government in Upper Canada, at great expense and personal inconvenience to themselves. The documents, to which the Earl of Selkirk had so frequently referred in his written and printed papers, as serving to support those charges, were however detained in Lower Canada, and he had not given the necessary instructions to the Crown lawyers of Upper Canada to enable them to proceed to the trial of the individuals, who had been by him arrested, and either confined to gaol or held to bail in large sums of money, more than eighteen months before.

Great delay has also taken place in bringing to trial the servants of the North-West company, stated to have been present at the affray of the 19th June 1816. Paul Brown and François Fidmin Boucher, were arrested so far back as the month of September 1816, and have since that time been kept in confinement; and, although in the month of October last, an instrument was passed under the Great Seal for removing the trial of these individuals to Upper Canada, they are still detained in the common gaol of Montreal.

The trials of Paul Brown and François Fidmin Boucher will bring under discussion the affair of the 19th June 1816; all the witnesses material for the defence of those individuals, will be likewise required for the defence of the persons indicted at Montreal, for the same alleged offence.

The inconveniences and expense to which the persons accused will be subjected by this course of proceeding is manifest.

The same observation applies to the accusation of the Earl of Selkirk against the partners of the North-West company, for conspiracy, and destroying the settlement at the Red River, the trials of several of the partners of the North-West company upon this charge, having already been ordered to take place in Upper Canada.

It is also to be observed, that the North-West company have various charges to prefer against the Earl of Selkirk, which can only legally be brought to trial in Upper Canada.

The issuing of bench warrants, since the adjournment of the court of oyer and terminer, at Montreal in February last, for the arrest of partners and servants of the North-West company, accused of offences by the Earl of Selkirk, is a measure to the effect of which we pray the attention of your Excellency.

At a time when the limits of the Indian territories, and the extent of the jurisdiction conferred by the 43d of the King, are unsettled, and must remain so until the subject is known here, it was not to be expected that warrants would be sent into the interior.

The extreme injustice of such a measure will, I trust, be apparent to your Excellency. The North-West company see in it a continuance of the system of oppression under colour of law, from which they have already suffered so much; of the same system which dictated the seizure of the provisions of the North-West company in the year 1814; the interruption of the communication of the Red River, in the year 1816; the capture of Fort William in the same year, and the subsequent detention of that post.

And they the rather indulge the hope, that the Government will not lend its assistance for the advancement of the projects of the Earl of Selkirk, as the nature of those projects is so fully developed in the affidavits taken before the Commissioners of Inquiry.

The circumstances under which a *noli prosequi* was entered upon the several bills of indictment found by the grand jury of the district of Montreal, in the last term of the court of King's Bench, against individuals in the service of the Hudson's Bay company, are fully detailed in a letter which I had the honour of addressing to the Attorney General and Solicitor General upon this subject, to the accompanying copy of which, I beg leave to refer; and I cannot refrain from expressing, at the same time, the great surprize and disappointment with which I have learnt that, notwithstanding the reasons stated in that letter, a measure has been adopted, the manifest operation of which is to cast an additional aspersion on the North-West company, by its being made to appear that their indictments against their oppressors have been unfounded, and therefore are quashed by the Attorney General; whilst on the other hand, the accusations against them and their servants are favourably received, and the proceedings hostile to their cause readily sanctioned.

In concluding this letter I have earnestly to entreat of your Excellency, that some time and place may be fixed, at which the trials, as well of the persons in the service of the Earl of Selkirk, guilty of offences in the Indian territories and in Upper Canada, as of the partners and servants of the North-West company, accused by the Earl of Selkirk, may be had, that the partners and servants of the North-West company may no longer be subjected to vexations and unnecessary expense, and may look forward with confidence to the termination of the system of oppression under colour of law, from which they have suffered so much.

I have the honour to be, &c.

To his Excellency (Signed) *W^m M^cGillivray.*
Sir John Coape Sherbrooke, &c. &c. &c.

Inclosure (2) in Sir J. C. Sherbrooke's, of 4th July 1818.

Sir, Quebec, 19th June 1818.

I REGRET exceedingly that the business before the commission of oyer and terminer, has prevented me sooner answering your letter of the 11th instant, inclosing one of the 6th June, from William M^cGillivray, containing a list of grievances complained of by the North-West company.

It was unnecessary to have troubled his Excellency with so full a detail of the conduct of the Earl of Selkirk at Fort William, as no proceedings can be had in this province upon that subject; his Lordship is already under recognizance to appear at Sandwich, to answer to any prosecution that may be instituted against him, and the North-West company must be too well advised, not to know that a civil action is the only means by which they can obtain redress for the loss of provisions and merchandize, said to have been seized by the Earl of Selkirk.

The North-West company complain of the delay which has taken place in proceeding against the partners and their servants arrested at Fort William, as also against those stated to have been present at the Red River, when Governor Semple and the colonists were put to death.

At the Court of King's Bench, held at Montreal, in March 1817, prosecutions were instituted against the partners and servants of the North-West company; immediately after the finding the bills of indictment, petitions were presented praying on the part of the prisoners, that their trials might be ordered to take place in Upper Canada. The discussion of this subject in the colonial council, the necessary communication with the upper province, upon a measure for which there existed no precedent, necessarily occupied much time in November last, when the final approval of His Majesty's Government was obtained from England, instruments under the great seal of the province, were sent to Upper Canada, transmitting the cases of petitioners to that province for trial; at that time the private prosecutor, the Earl of Selkirk, who alone possessed the evidence in support of these prosecutions, was absent from this province, since his return his time has been very much occupied with the sittings of criminal courts, both at Quebec and Montreal.

Whatever delay has taken place, appears to me to be attributable; First, by the course pursued by the persons accused, by obtaining the removal of their cases to Upper Canada; Secondly, to the delays attending legal proceedings novel in their nature; and Thirdly, to the prosecutions in the lower province, requiring the attendance of the private prosecutor, and the witnesses; and I must beg leave to add, that the partners and servants of the North-West company, have been admitted to bail, with the exception of the three principal culprits.

The

The partners of the North-West company represent, that they are aggrieved by the issuing of the bench warrants, since the adjournment of the court of oyer and terminer at Montreal, in February last.

At the court of oyer and terminer, held at Montreal in February, and again by adjournment in May, several bills of indictment were found against partners and servants of the North-West company, whose cases had not been sent to Upper Canada for trial. As these persons had never been in custody, bench warrants were necessarily issued to apprehend them.

In answer to the fourth subject of complaint, that prosecutions in two different provinces had been instituted against the North-West partners for the same alleged offences, I would beg leave to remark, that no such prosecutions have been instituted by me.

The partners of the North-West company complain, that they are aggrieved by the entry of a *noli prosequi* upon several bills of indictment found by the grand jury, against individuals in the service of the Earl of Selkirk.

In January last, Miles M'Donnell, John Spencer, Colin Robertson, James Ryan, John Burke, Michael Hayden, and Patrick Corcoran, presented a petition to His Majesty's representative in this province, stating that they had attended at Montreal to meet accusations preferred against them by the North-West company, and prayed that a special commission should issue for the purpose of trying them, which was granted. Notice was given by me to the North-West company, that such commission would open at Montreal, for the purpose of trying those persons, and that all offences alleged to have been committed by them, must be prosecuted before it. Bills of indictment were preferred against some of the persons, and not found, when the legal advisers of the North-West company declined sending any other bills before the grand jury, but wished to continue the prosecutions commenced two years back, against Spencer and Robertson; which would have left these persons liable to attendance at Montreal, to answer accusations which the special commission was appointed to try.

It appears to me that it would be unjust further to require the attendance at Montreal of Miles M'Donnell, John Spencer, Colin Robertson, James Ryan, John Burke, Michael Hayden, and Patrick Corcoran, as no accusation remained against them upon the close of the commission; I therefore conceived it my duty to enter a *noli prosequi* upon any bills of indictment standing against them before the other tribunals.

As the letter of Mr. M'Gillivray contains little more than the argument and observations used by the legal advisers of the North-West company, whenever the contest between the two companies appears before the legal tribunals of this country, I should not have thought it necessary to have answered so much in detail, had not his Excellency, by your letter, desired me so to do, particularly as I feel that the partners of the North-West company have no well-founded cause of complaint.

They must be sensible that ample justice has been done them, as far as the proceedings in the Indian territory have been investigated; and I hope that in future they will not avail themselves of the ingenuity of their legal advisers to criminate His Majesty's Government and its officers.

The letter signed by Mr. M'Gillivray concludes earnestly entreating his Excellency that some time and place may be fixed, at which the trials, as well of the persons in the service of the Earl of Selkirk, as of the partners and servants of the North-West company, accused by the Earl of Selkirk, may be had. A number of indictments are at present standing in the courts of Montreal, against the partners of the North-West company; I am informed the partners intend to come to Lower Canada, upon the close of the Summer, for the purpose of taking their trials.

From the activity of both parties in producing prejudice at Montreal, I should think it more consistent with the correct administration of justice, that the investigation of the alleged offences should be made in this district, and am therefore humbly of opinion, that notice ought to be given to both parties, that a commission would issue, to sit at Quebec, in October next; by that time the witnesses and defendants will have returned from the interior; and it appears to me the most effectual and satisfactory means of bringing the investigations to a close.

I have the honour to be,

(Signed) *Norman F. Gerald Uniacke,*
Attorney-General.

No. 37.

COPY OF A LETTER from Lieut.-General Sir John C. Sherbrooke, G. C. B. to the Earl Bathurst, K. G.; dated Quebec, 20th July 1818:—One Inclosure, viz. Mr. Coltman's Report relative to the Disturbances in the Indian Territories.

My Lord, Quebec, 20th July 1818.

I HAVE the honour to transmit your Lordship herewith Mr. Coltman's general Statement and final Report, relative to the disturbances in the Indian territories.

This report is so full and explicit, that any remark from me would be quite superfluous; and I therefore merely refer your Lordship to it, as containing a circumstantial account of the rise, progress, and occurrences of the contest between the Hudson's Bay and North-West companies, which led to Mr. Coltman's appointment and mission to the Indian territories. I have, &c.

To the Earl Bathurst, K. G. &c. &c. &c. (Signed) *J. C. Sherbrooke.*

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Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

A general Statement and Report relative to the Disturbances in the Indian Territories of British North America, by the undersigned Special Commissioner for inquiring into the Offences committed in the said Indian Territories, and the Circumstances attending the same. (Signed) *W. B. Coltman.*

STATEMENT, according to the order of time, of the principal occurrences relative to the recent disputes between the Hudson's Bay and North-West companies, which appear to me, the undersigned Special Commissioner, to have been substantiated by the evidence taken before me, or to have been admitted by the parties in the respective official statements transmitted me, by the legal agents of the Earl of Selkirk, of the 18th February, and by the agents of the North-West company, of the 14th March last, or in their generally acknowledged publications under the titles of "Statements respecting the Earl of Selkirk's Settlement," and "Narrative of Occurrences in the Indian Countries," and which appear to be material to the elucidation of the causes and circumstances of the late disturbances in the Indian territories.

*N. B.*—Whenever the statements in the publications have been relied on, they are specially referred to, and (with the exception of the bills of indictment) the few facts resting on general notoriety, and personal knowledge, which it has been found necessary to notice, are mentioned as such.

Previous to, and during the course of the years 1810 and 1811.

IT appears according to the evidence before me, supported by the frequent assertion of the principal facts in the publications of the North-West company, and the tacit admission thereof, implied by the silence of the opposite party, that the Earl of Selkirk became proprietor of £. 40,000 capital stock of the Hudson's Bay company, which (as their whole stock is stated to be £. 105,000, and about £. 25,000 thereof to be held by females and minors) gave his Lordship a predominant influence over the proceedings of the company; in consequence, several of the old committee (which body have the general management of the company's affairs) resigned and made way for his Lordship's relations and friends; the purchases were originally begun in conjunction with Sir Alexander M'Kenzie, a principal partner of the North-West company, who was to have one-third, and the Earl two-thirds of the amount purchased; these parties however soon disagreed, but after some threats of a chancery suit their disputes were compromised.

On the 29th May 1811.

A grant was made by the Hudson's Bay company to the Earl of Selkirk of a large tract of country, for the alleged purpose of forming an agricultural settlement to supply their trading servants with provisions, the company retaining to itself the right of jurisdiction over the said tract, which has since been called the district of Assiniboin; the boundaries thereof may be seen by reference to the annexed Abstract, marked No. 1, taken from the map published by the North-West company to accompany the "Narrative of Occurrences in the Indian Countries," and the particulars more fully ascertained by the Abstract marked No. 2, taken from the map published with "the "Statement

"Statement respecting the Earl of Selkirk's Settlement." This grant was strongly opposed by all the proprietors of Hudson Bay stock, connected with the North-West company, some of whom are admitted in the "Narrative" to have purchased their stock for that express purpose. Many other admissions, more or less direct, of the facts stated by the opposite parties, regarding this part of the subject, will be found in their respective publications; and from these admissions, and the evidence before me, no doubt can be entertained, that a spirit of decided opposition towards the intended establishment of an agricultural settlement, was entertained by the principal persons in London connected with the North-West company. The motives for this hostile feeling, it is more difficult fairly to estimate. On behalf of the Hudson's Bay company and the Earl of Selkirk, it is contended in the "Statement," that it arose solely from the interested fears of injury to the fur trade; and an apprehension of this nature appears, in fact, to be admitted in some degree by the declaration in the protest against the grant, "that colonization is at all times unfavourable to the fur trade;" the evidence of former servants of the North-West company, has also been brought before me, to prove the apprehensions of the partners of that company, that the establishment of the colony would materially injure their trade, especially that of Mr. John Pritchard, a clerk in charge of a post on the Assiniboin river at the period of the first establishment of the colony, who (Deposition, No. 123) states expressly, that it was the general opinion of the partners in that quarter, that if the colony succeeded, the result would be to form a nursery of servants for the Hudson's Bay company, and thereby enable that company more effectually to oppose them in trade, exclusive of affording such facility for adventurers to get into the country, as must destroy the species of monopoly established by the North-West company; and that in consequence, although individually well-disposed towards the colony, he felt it his duty, as long as he remained in the North-West company's service, to oppose its interests by all fair means, and especially by buying up all the provisions he could get, which he did to a considerable extent in the winter 1813-14; (this last measure is, however, by other evidence, stated to have been rendered necessary by the events of the American war); he also states his belief, that the post of Pembina, which had been abandoned two years before, was re-established for the purpose of opposing the colony in the purchase of provisions, and his knowledge, that Alexander M'Donnell, in charge of this post, did so oppose them; other testimony (Deposition, N° 131) has also been brought before me, of declaration made by the said Alexander M'Donnell, of his fears of ruin to their trade, in consequence of the great reduction in the price of all supplies, especially spirits and clothing, to be looked for from the future manufactures of the colony; and in a letter of 15th April 1813, from James Grant, at Fond du Lac, then a clerk, and now a partner of the North-West company, of which an extract has been proved before me (Deposition, N° 167,) it is stated, "if the colony stands any time, it will render the Indians of this place so "independent of us, that it will be nearly impossible to stand our ground with "them."

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

29th May 1811.

On the part of the North-West company, it is on the other hand contended, that independent of their objections to the settlement, as founded on the assumption of a right of territory (whereof they deny the existence on the part of the Hudson's Bay company,) over a country of which they have been in long previous occupancy; of their considering it as a measure injurious to their interests as traders; dangerous to the peace of the country, and likely to produce only misery to the settlers; they had before long reason to suspect that other views, besides the Earl of Selkirk's enthusiasm for colonization, had given rise to the project, and were gradually convinced that the establishment of the colony was (as is expressly stated in the "Narrative" published in London, where the alarm appears to have been first taken) only a pretext to induce settlers to emigrate, and thus introduce into the country at an inconsiderable expense a sufficient number of persons to carry into effect the plans of aggression and competition contemplated against their trade. In proof of these assertions, the evidence of Mr. Samuel H. Wilcocke has been brought before me, (Deposition, No. 102,) who states himself to have been employed as a confidential assistant by the agents of the North-West company in London during the present disputes, and as such to have had a knowledge from information, and belief of declarations made about the period of the grant to the Earl of Selkirk, at the public meetings of the Hudson's Bay company, of hostility towards the North-West company, and of the resolutions of the new committee to enforce the rights of their charter. The same person also further proves the communication by Sir Alexander

29th May 1811.

Inclosure in Sir J. C. Sherbrooke's, of 30th July 1818; viz. Mr. Coltman's Report, &c.

M'Kenzie to the North-West company, as early as April 1811, of his suspicions of the hostile views of the Earl of Selkirk. The strongest proof, however, that the suspicions entertained on each side were not without some foundation, is to be found in the intercepted letter of Simon M'Gillivray, the principal North-West agent in London (dated 9th April 1812,) a copy whereof was duly proved before me (Deposition, No. 103,) and in certain extracts of that of the Earl of Selkirk (18th June 1812,) which were proved before me (Deposition, No. 104,) to have been taken from an original letter by S. H. Wilcocke; as this gentleman speaks however only from belief to the hand-writing of the Earl, his testimony is necessarily to be received with some caution, till an entire copy of the letter duly proved is produced; for although no probable doubt of the existence or genuineness of the letter exists in my mind, yet possibly other passages in it may materially tend to explain those extracted. In the former of these letters by Simon M'Gillivray, addressed to the wintering partners of the North-West company, are to be found the following observations:—"The committee of the Hudson's Bay company is at present a mere machine in the hands of "Lord Selkirk, who appears to be so much wedded to his schemes of colonization "in the interior of North America, that it will require some time, and I fear cause "much expense to us as well as to himself before he is driven to abandon the pro-"ject, and yet *he must be driven to abandon it*, for his success would strike at the "very existence of our trade." And again, "In regard to the proposed expedition "to the Columbia, I conceive it to be as much a matter of necessity for the North-"West company to follow it up, as it is to prevent Lord Selkirk from establishing
29th May 1811. "colonies on the Red River." Whilst in the extract of the letter stated to have been written by the Earl of Selkirk to Mr. William Hillier, a principal agent of the Hudson's Bay company, are to be found the following words:—"You must give them "solemn warning that the land belongs to the Hudson's Bay company, and that they "must remove from it; after this warning they should not be allowed to cut any "timber, either for building or fuel; what they have cut should be openly and "forcibly seized, and their buildings destroyed; in like manner they should be "warned not to fish in your waters, and if they put down nets, seize them as you "would in England those of a poacher. We are so fully advised of the unimpeach-"able validity of these rights of property, that there can be no scruple in enforcing "them whenever you have the physical means."

In June 1811. Miles M'Donnell, formerly a captain in His Majesty's regiment of Royal Canadian Volunteers (by the title of which military rank he appears chiefly to have been distinguished in the Indian country,) was appointed by the Hudson's Bay company governor of the district of Assiniboin, and proceeded a few days afterwards for the same by the way of Hudson's Bay.

This appointment, it appears however nearly certain, was never approved of by the King, in conformity to the Act of the 7th and 8th William 3d; and it is admitted by himself (Deposition, N° 112,) that he did not take any oaths of office, owing to there being no persons authorized to administer them on his arrival within the limits of the district, as he came out to form a colony, and not to one already existing.

In August 1812. Miles M'Donnell, after having been detained the first winter on the sea coast, in Hudson's Bay, arrived at the forks of Red River, and on or about the 4th September ensuing, caused the grant of the territory by the Hudson's Bay company to the Earl of Selkirk, to be read, together with his own commission, as governor, at a public meeting called by him for that purpose: this proceeding was at the time generally understood both by the North-West company's people and those Canadians, who having completed the engagements under which they were originally brought into the Indian country, continue to live there under under the name of "Freemen," as a public declaration on behalf of the Earl of Selkirk and his agents, of their exclusive right to the soil and natural products of the country; and by testimony before me (Depositions, Nos. 108, 109, 113, &c.) appears to have created a partial uneasiness to the freemen, and to have been still more obnoxious to the North-West company, whose inferior servants were forbidden by the partners and clerks to attend the public meeting. No immediate effects appear however to have followed from these impressions; on the contrary, it is admitted that the North-West company during the first winter (either from motives of humanity or views of policy, to establish an interest amongst the settlers to the prejudice of their own officers) furnished supplies of provisions to the colony, where there was much distress from want thereof; and that Alexander M'Donnell, who was in charge of the North-West company's post, near

near which Miles M^c Donnell wintered, appeared for some time to live with him on the most friendly and intimate footing, as was natural, from their being both cousins and brothers-in-law; the freemen also, and their children by Indian women, who form the bulk of the population called "half breeds" or "metifs," and sometimes "bois-brules," finding that no practical exercise of their exclusive rights was attempted, and experiencing the advantages to be derived from an amicable trade and intercourse with the settlers, appear to have become well disposed towards the colony. Such seems likewise to have been at all times the general disposition of the Saulteur Indians, who occupy the country in the immediate neighbourhood.

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

The first open declaration of jealousy or coolness between Miles M^c Donnell and the persons in charge of the North-West company's post, took place at Pembina, in consequence, according to the statement of the said Miles M^c Donnell (Deposition, No. 110,) of his having received proof on oath, that Alexander M^c Donnell and John Dugald Cameron, a partner of the North-West company, were endeavouring to inveigle away the servants, and sow dissatisfaction and disunion among the settlers; and having also learnt, that persons in the service of the North-West company were using language to excite the Indians against the colony.

In April 1813.

In support of the first charge however, he produced no evidence to me; whilst on behalf of the North-West company, there is filed (Deposition, No. 152) the original complaint made by him to the agents of the company, with copies of the depositions whereon it was founded, and the correspondence between them relative thereto; from these it certainly does not appear to me, that an adequate case is made out to support the charge of any general plan of seduction, particularly when considered in conjunction with the numerous complaints by former servants of the colony, of the many privations and hardships to which they were exposed, and of the severity and oppression exercised towards them, in consequence whereof, one of them by name Magnus Heissmaster, appears probably to have lost his life; these persons were brought before me as witnesses on behalf of the North-West company, and many of them acknowledge their having made application for relief to that company, but deny any knowledge that overtures were, at this period, made to any one, although some partial encouragement appears to have been given to individual complainants; several of these, from their declarations, appear to have had just cause for their complaints; and on that of one of them (John Feeny's) a bill of indictment has been lately found against Miles M^c Donnell. The only person actually brought out this year in the North-West company's canoes, was one John Walsh, and he was sent back from Fort William, on account, as is stated on behalf of the North-West company, of his having left a wife and child in Red River, but as stated by Miles M^c Donnell (on information which he declares to have received from one of the North-West partners, and to believe to be true) for the purpose of covering their designs of creating a more general desertion; in the ensuing year 1814, it does not however appear that any person was taken out by the North-West company except one, James Toomey, who was previously ascertained to have finished his service, and to be free from debt or obligation of any kind. With regard to exciting the Indians, the charge appears at this period to rest on still weaker grounds, being supported chiefly by surmise, and reports at second hand; whilst any knowledge thereof was denied by the Indians at their public meeting with myself, and the reports as far as related to himself, positively contradicted by Mr. John Pritchard, one of the persons charged as having taken part in these practices.

April 1813.

Miles M^c Donnell issued a proclamation as governor of the territory of Assiniboin, stating the necessity of providing for the support of the families then forming settlements on Red River, and of those on their way thither, and therefore forbidding for twelve months, the exportation of any provisions procured or raised within the territy, except what might be necessary for taking to their respective destinations the trading parties then within the same; further directing, that all provisions so raised should be taken for the use of the colony, and paid for by British bills, at the customary rates; and finally ordering, that any persons attempting to take out provisions contrary to this proclamation, should be taken into custody, and prosecuted as the laws in such cases direct, and that the said provisions, together with the craft or carriages carrying them, and any other goods taken along with them, should be forfeited.

On the 8th January 1814.

A party of fifteen or sixteen of the colonial servants were furnished with arms and ammunition by Mr. John Spencer, commonly called the Sheriff, ordered to proceed under the command of Mr. John Warren, to the plains of Turtle River, and told

In March 1814.

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

that Mr. Miles M'Donnell would join them the ensuing day; previous to arriving at their destination they were joined by Mr. Michael M'Donnell, and afterwards proceeded to an encampment of free Canadian half-breeds and Indians, formed for the purpose of hunting. The same evening Jean Baptiste Desmarrais and others arrived at the camp, with two or three sleds belonging to the North-West company, for the purpose of taking in provisions; the next morning these sleds were accordingly loaded with meat, whereupon Michael M'Donnell and Warren, commanded their men to fall in with loaded arms, and not to allow the provisions to be taken away; the sleds were consequently unloaded, and the meat replaced on the scaffolds (the usual mode of keeping it in the Indian country,) and information was sent by Michael to Miles M'Donnell, that he had taken from the North-West sleds, the provisions delivered them by the freemen, and wished him to come to the place. Miles M'Donnell said it was well done, but was little compared with what should be taken in a short time, and sent word to the said Michael M'Donnell, to detain all the provisions till his arrival; what ultimately became of these provisions does not appear very clearly by any evidence before me; but a bill of indictment has lately been found against Michael M'Donnell and Miles M'Donnell, on this charge, as principal and accessary to grand larceny.

It is further stated (Deposition, N° 121,) that Mr. Spencer, in delivering out the arms, expressed his hopes, that a good use would be made of them, and subsequently declared to one Frances Enodit Delorme (Deposition N° 113.) then in the service of the North-West company, that Miles M'Donnell was gone out with a resolution of having provisions from the freemen, amicably if he could, but that if not he would take them.

In May 1814. Miles M'Donnell finding that it was the avowed intention of the partners and servants of the North-West company, not to submit to his proclamation, and that a considerable number of their Canadian servants, with some half-breeds and Indians, were collecting by them at the forks of Red River; and he on his part, as appears by other evidence, having caused his men to be trained to the use of arms (a practice which appears to have been adopted by him in a greater or less degree from his first arrival in the country, and to have tended to excite feelings of jealousy against the settlement,) sent out an armed party, provided with two field-pieces, to intercept a part of the North-West company's provisions expected to come down the river

May 1814. Assiniboin; this party was afterwards increased to about fifty persons, completely armed and in uniform; and Mr. John Warren, who commanded the same in Miles M'Donnell's absence, gave orders (Deposition, N° 122,) that in case any of the North-West boats or canoes proceeded down the river, and did not come ashore on the centinel's firing (as they were directed to do) over their heads, that the field-pieces should fire upon and sink them; this order however the men appear to have been unwilling to obey; and on application to Miles M'Donnell, he told them the Canadians were such cowards they would come on shore at the first shot, and that he had no wish for bloodshed. Intelligence of this proceeding having been early given to the North-West company by Alexander M'Lean, one of the principal settlers, an express was sent by them, to stop the provisions, and in consequence Mr. John Spencer, the Sheriff, went up by water with a small armed party, to look for the same, but after some days search found only one empty boat, and the men who had conducted it down; these latter, named Portras and Saucisse, both free Canadians, he made prisoners, and took them down to Miles M'Donnell, who threatened to send them to Hudson's Bay, and compelled one of them to declare on oath where the provisions were concealed; whereupon Spencer was again sent up with a party, and brought them down to Miles M'Donnell's store; on this charge a bill of indictment has been lately found against Spencer as principal, and Miles M'Donnell as accessary, to grand larceny.

In June 1814. Mr. John Spencer, above-mentioned, having been sent up with an armed force to the North-West post, at the junction of the Rivers Assiniboini and La Souris, where their principal supply of provisions had been collected together for greater safety, required the surrender thereof to him, in virtue of a warrant from Miles M'Donnell, which being refused, he forcibly broke into the said post, by cutting down the stockades, and drawing the staples of the store door. The provisions thus taken, were partly conveyed to the Hudson's Bay post in the neighbourhood, and partly taken down to Miles M'Donnell at the Forks. On this charge a bill of indictment for grand larceny was found against Spencer, so long ago as September 1815; but it is admitted by the North-West company, in the "Narrative," that as he might have acted under a misapprehension of authority, there would be a failure in proving against

against him the felonious intent. Shortly after this occurrence, Mr. House, in the service of the Hudson's Bay company, who had been present at the time, was made prisoner by Mr. Duncan Cameron and others of the North-West company, who previous to this period, are stated (Deposition, No. 113) to have induced their servants chiefly by threats, (for much unwillingness in this respect appears to have been expressed by the men on both sides,) to take up arms, and had probably in view, to intercept Mr. Spencer, with the provisions he was bringing down. Miles M^c Donnell states, at least, that having been led to suspect it, he went out to meet and protect him, at the head of a party, with two field-pieces, having also himself apparently in view, to procure the release of Mr. House; a battery was likewise erected about this time to obstruct the passage of the river near Fort Douglas, and two North-West canoes coming up the river, were detained and disarmed. From these and other hostile measures on each side, matters appeared drawing towards a violent crisis, when Mr. John M^c Donald, commonly called "Bras Croché," a brother-in-law of Mr. William M^c Gillivray, arriving, an amicable settlement took place; Mr. House was released, and it was agreed that 200 bags of pemican, equal to little more than a third of the quantity taken, should be retained by Miles M^c Donnell, and the remainder restored to the North-West company, on condition of their supplying an equal quantity of provisions to the colony the ensuing winter; but some little deviation from the original bargain having afterwards taken place, it does not appear quite clear, what were the exact terms carried into execution. Miles M^c Donnell, in his deposition, states most positively, that the measure of embargo was adopted by him solely from the necessities of the colony, to which he was led to expect an accession of nearly two hundred persons in the course of the year, and that it was by no means intended to injure the trade of the North-West company, or connected with the difficulties to be expected by them, from the loss of the British fleet on Lake Erie, which he did not learn till after issuing the proclamation, and that he had in consequence frequently informed the gentlemen of that company, that it was not his intention to enforce the prohibition to its full extent. On the part of the North-West company it is stated, that the supply of provisions from Red River was indispensible to the subsistence of their people; that the loss of the fleet on Lake Erie, rendered them more dependent than ever thereon; and that the same must have been known very shortly after the date of the proclamation, and long before it began to be acted upon; and proof is given of different violent and hostile declarations made by Miles M^c Donnell and other officers of the colony, or Hudson's Bay company; viz. of a speech by Governor William Auld (Deposition, No. 114,) to the servants and settlers assembled at Red River; that whenever required to fight, they must do so, and not think what was right or wrong, but what were the company's orders, and that if directed to take the North-West company's provisions, they must not refuse. Of threats by Peter Fidler, a principal factor of the Hudson's Bay company (Deposition, No. 119,) of flogging and loss of wages, for refusing to take up arms; of a declaration by John Spencer (Deposition, No. 120,) whilst preparing cartridges for the field-pieces, "that he was making them for the damned "North-West rascals; that they had run too long, and that they should run no "longer;" and of promises made by Miles M^c Donnell (Deposition, No. 119,) of a pension to any man who might be wounded in action against the North-West company; and of a bounty of three pounds to each man on taking up arms; of a declaration by him that there was no law in that country, but the law of the strongest; and that he could not get on without that being the case; and a further declaration on the first boat-load of the captured pemican being brought down to his stores, that it was a good beginning, and that in a little time he would drive the North-West company out of the river.

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

(June 1814.)

Miles M^c Donnell on his part further states, that he had received directions from the Hudson's Bay company in 1813, to appoint counsellors and other officers for the colony, by commissions issued by himself, on the previous nomination of the company; and proves also (Deposition, No. 112) certain extracts from letters of the Earl of Selkirk to himself, of which the most material, dated Stronmess, 13th June 1813, states, that satisfactory progress had been made in ascertaining the rights of jurisdiction, legally vested in the company, but that it would require delicate management to take advantage of them; that full instructions could not be sent out by the company that year, and consequently great caution must be used in asserting these rights forcibly, especially towards the North-West company, who would be glad to catch at any flaw that could bring them into discredit with the public; that means would be found of bringing their legal rights to a fair trial before the supreme tribunal in

Inclosure in Sir J. C. Sherbrooke's, of 30th July 1818; viz. Mr. Coltman's Report, &c.

England, and in the mean time any exercise of jurisdiction must be confined to what was strictly necessary, and any step carefully avoided that could give a handle to misrepresenting these proceedings, as directed to sinister objects, and particularly to the invidious purposes of monopoly, and concludes with the following practical directions:

(June 1814.)

"A very material point, which appears to be established beyond all doubt is, that "every person within the territories of the Hudson's Bay company, is under their "jurisdiction. Therefore, if any of the North-west people should attempt any "violent aggression within the bounds of the settlement, or against the settlers, you "need not scruple to lay hold of them, and proceed against them as you would "against any offender among our own people. If they keep at a tolerable distance "from the settlement, and do not interfere with your internal affairs, you will not "seek a quarrel with them, but you cannot allow them to insult the settlement, or to "trample upon your authority. If the servants of the Hudson's Bay company "should claim your protection and redress, against any illegal violence of their anta-"gonists committed within the limits of your government, you cannot refuse to "interfere, and the delinquents should be brought to punishment in the same manner "as if they had attacked the settlers; but you must take care to deal with perfect "impartiality between the servants of the two companies; indeed, in all cases of "collision with the North-West people, it will be advisable to be very sure of your "ground, and have a case well made out before you take strong measures." Of these extracts it is proper to remark, that as the original letters were not produced, nor even a declaration made by the deponent that they contain the whole substance of what is said on these particular subjects, they must necessarily be received with some caution till that is done.

In July 1814.

An order was published by Miles M'Donnell, forbidding the hunting of buffalo on horseback, under the penalty of three months imprisonment for the first offence, and forfeiture of the horse with a similar imprisonment, for the second. Miles M'Donnell states (Deposition, No. 110,) that he adopted this measure in consequence of having experienced the pernicious effects of some of the free Canadians and their half-breed sons, (several of whom he has been informed, and believes, were employed by the North-West company,) thus running the buffalo, whereby they were driven to a great distance, and the settlers, as well as the larger proportion of freemen, who had not hunting horses, were deprived of the means of subsistence; the Indians also complaining thereof, as driving the buffalo towards the lands of their enemies, the Sioux Indians, where they could not pursue them without danger; that from these causes, having frequently before discouraged the practice in conversation, he was led (with the concurrence of several of the partners of the North-West company, with whom he had made the arrangement for provisions) to issue the order above-mentioned, which was translated into French, and the salutary effects thereof explained by two of the partners and one clerk of the North-West company; that it was therefore with the utmost surprize, that he found the measure subsequently to the arrival of Mr. Duncan Cameron, the ensuing fall, made a subject of accusation against himself, and represented to the free Canadians and half-breeds, as an infringement of their liberty. The fact of its being so considered, appears by a variety of other testimony, and also that it was one of the principal causes which rendered the freemen and half-breeds (amongst whom it appears by Deposition, No. 113, for some time to have excited great alarm,) inimical towards the colony, inasmuch as it is stated by different witnesses, not to be at all times practicable to ensure a supply of buffalo, without following them on horseback; other pretensions of Miles M'Donnell, are also stated as having caused dissatisfaction, such as forbidding the inhabitants of the country to bark the trees, as customary for covering their houses; to take the larger trees for fire-wood, or to encamp near certain parts of the river for the purpose of fishing; as to which, although Miles M'Donnell states, that he never made any such orders, there can be no doubt, from the various evidence on the subject, that claims of the kind had been advanced in a way to excite jealousy and suspicion; numerous complaints have also been brought before me, of the difficulty experienced by the inhabitants of every class, in obtaining any regular account of their dealings with Miles M'Donnell; and of the injury caused them thereby on the other hand, evidence has been laid before me, for the purpose of showing, that previous to the measures taken this season by Miles M'Donnell, against the North-West company, proceedings of an hostile nature had been adopted by them, particularly in ordering their hunters to drive away the cattle from the colonists; but independent of this fact not being stated

stated by Miles M'Donnell (who, if true, had the best means of knowing, and the greatest interest to show it,) and of the direct evidence produced of the parties having apparently continued on good terms up to the period in question; the same witnesses who are produced to prove the adoption of this measure, so universally attribute it to Mr. Duncan Cameron, who is otherwise indubitably shown never to have come to Red River till the difficulties about provisions took place, that there can be scarcely a doubt of their being mistaken as to the date; and on the whole, it seems evident, that up to this period, there not only is a want of evidence (which seems indeed to be tacitly admitted in the statement by the Earl of Selkirk's legal agents of the 18th February last) to prove the adoption of any measures of open and deliberate hostility towards the colony on the part of the persons acting for the North-West company; but on the contrary, it appears to me, that much moderation had been shown by them in resisting the pretensions of Miles M'Donnell, who, besides the overt acts already stated, advances in a correspondence proved before me (Deposition, No. 152,) the exclusive rights of the Hudson's Bay company to the territory, government and jurisdiction of the country in the most direct terms, and states in substance, and for the most part in these very words, that he and his people were the government party, and that the North-West people were bound to acknowledge subjection to them as such. It is also stated, by one witness (Deposition, No. 107,) that about this period, Mr. Still, a clerk of the Hudson's Bay company, who had been in England the year before, declared he had often dined with the Earl of Selkirk, and that his Lordship was determined to take possession of his territory, meaning the Red River; that his people could not establish the colony without provisions, and that those that were found within their territory, ought to belong to them. It appears also, by two or more witnesses (Depositions, No. 107, 113, &c.) that during the present or previous summer, the surveyor of the colony in laying out some lots for settlements, insisted upon running one of his lines through the middle of the garden of the North-West company's post, which after some opposition was submitted to.

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Cottman's Report, &c.

(July 1814.)

Alexander M'Donnell, after the 45th annual meeting of the North-West partners at Fort William, addressed a letter, which has been duly proved before me (Deposition, No. 123,) from the portage La Prairie, about the height of land, to Mr. John M'Donnell before mentioned, containing the following expressions:—"You see myself "and our mutual friend Cameron, so far on our way to commence open hostilities "against the enemy in Red River; much is expected from us, if we believe some; "perhaps too much: one thing certain, that we will do our best to defend what we "consider our rights in the interior. Something serious will undoubtedly take place. "Nothing but the complete downfall of the colony will satisfy some by fair or foul "means. A most desirable object if it can be accomplished, so here is at them with "all my heart and energy." This is the first and principal overt act of that conspiracy, which the North-West company are accused of having formed at Fort William, for the purpose of destroying the colony at Red River, conformably to the advice given them two years before by Mr. Simon M'Gillivray.

On the 5th August 1814.

The principal additional evidence, which has come before me in support of this charge, exclusive of the admission by the North-West company, of the warrants issued by Archibald Norman M'Leod, against Miles M'Donnell and others, and of the authority given to the partners going to Red River, to offer a passage and provisions to Upper Canada to any of the settlers inclined to avail themselves thereof, is contained in the deposition of Mr. John Pritchard (No. 123,) who states, that on his arrival at Fort William, he found the North-West people in general much enraged at the arrangement which had taken place at Red River, especially the principal agents and partners, Mr. William M'Gillivray and Mr. Archibald Norman M'Leod, the former of whom declared that it was not the value of the pemican, but the insult offered to the North-West company, which enraged them; and added, "During thirty "years that we have been conducting this business, it has been my province rather to "check the violence of the younger men, than to urge any one to act; it is the first "time the North-West company has ever been insulted; towards the latter part of the "business, you appear to have been disposed to do yourselves justice, had it not been "for the arrival of that unfortunate man," alluding to John M'Donald, his brother-in-law; and afterwards on his (Pritchard's) observing, that had they proceeded to violence, many lives might have been lost, Mr. M'Gillivray replied with a sneer, "I know Miles M'Donnell better; he would not have burnt a priming." And that in a subsequent conversation, Archibald Norman M'Leod told him, that he had acted like a coward in not shooting Spencer, when he took the pemican. That on another

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

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occasion, M'Leod made some inquiries of him respecting the manner of issuing warrants; and that he saw him push one Louis Blondeau out of the hall of the fort, for refusing to take an oath (which fact is also confirmed by Blondeau, Deposition, No. 284, with many details,) and that the same oath was afterwards administered to several others in his presence, being read out of a printed book; that he believes it might be the ordinary oath of a constable, but that the purport was explained to the parties, to be, "that it bound them to obey the commands of their bourgeois, and "exempted them from any consequence that might accrue therefrom, for which the "bourgeois alone would be responsible;" that from all these circumstances he was led to suspect measures of violence were intended to be adopted against the settlement, and was even told by Alexander M'Donnell, that they would bring out Miles M'Donnell in irons. But on his (Pritchard's) arrival at Montreal, he was further informed by Donald M'Kenzie, a confidential servant of the North-West company, and brother of Mr. Roderick M'Kenzie, of Terre-bonne, a partner of that company, that it was the intention of the company to seduce as many of the settlers at Red River as possible to join them, and after thus diminishing their means of defence to raise the Indians of Lake Rouge and Fond du Lac, to act against and destroy the settlement. Mr. Colin Robertson, a principal agent of the Hudson Bay company, states also (Deposition, No. 167,) that he received similar information towards the end of September 1814, from Mr. Robert Logan, a former clerk of the North-West company, particularly as to the intended employment of the Fond-du-Lac Indians; as likewise from Donald M'Kenzie aforesaid, with the addition, that Daniel M'Kenzie, the person in charge at Fond-du-Lac, had been instructed to employ the Indians of that place against the settlement, but had declared to him, that if the company chose they might make use of the said Indians, but that he would not be concerned therein.

Katawabetay, an Indian chief from Fond-du-Lac, has however stated before me (Deposition, No. 402,) that Daniel M'Kenzie did offer him all the goods at Leach Lake, Sandy Lake, and Lac-la-Pluie, as an inducement to make war upon the English at Red River, but that he refused doing so, as already declared by him at Drummond's Island. It is true, he stated this to have been in the spring of the year 1816; a circumstance which was much dwelt upon by the North-West company, who proved (Deposition, No. 403) that Daniel M'Kenzie was not at Fond-du-Lac that spring, and also produced evidence of Katawabetay having denied to them, his having made the declaration imputed to him when read as printed in the "Statement;" such denial, however, even if true, arising probably from some expectation of immediate advantage, or from fear, is little to be relied upon; and the error of date appears merely accidental, as he refers to his former declaration, where the date is stated correctly.

Daniel M'Kenzie himself, in his letter to the Earl of Selkirk, in consequence whereof he was liberated from confinement and allowed to proceed to Montreal, under the idea of his being found a necessary evidence for the Crown (a copy of which letter has been proved before me (Deposition, No. 280,) says nothing on this particular subject, although it is affirmed by Mr. John Allan, the medical attendant of the Earl of Selkirk, that he had expressed much anxiety relative thereto whilst in confinement.

He states however the following circumstances, bearing on the charge of a previous conspiracy:—That in the year 1813, a deserter of the name of Walsh having been brought from the Red River settlement, Mr. William M'Gillivray found much fault therewith, on the principle that the colony ought to be disorganized on a more general scale, to cover which intention he was sent back; that in summer 1814 a considerable present of provisions and liquor was given to the people who came to Fort William from Red River, although a period when the utmost economy was requisite, from the Americans being in possession of the Upper Lakes, and that Mr. William M'Gillivray made a speech to the men, dwelling much upon the unjust proceedings that had taken place; that a present to the amount of £.60 or upwards was sent to Mrs. M'Lean, in consequence of the proposal of Mr. John M'Donald, the brother-in-law of Mr. William M'Gillivray, as she was friendly, and wished well to the North-West company; and that Mr. Duncan Cameron was made a captain in the Voyageur corps, in order that he might command captain M'Donnell in Red River.

This last measure appears by other evidence to have been adopted under the sanction of a letter said to have been written by E. Brenton, the civil secretary, to Sir George Prevost, dated 27th May 1814, ordering that military rank should be given to any person in the Indian territories whom Mr. William M'Gillivray should recommend

recommend; in consequence whereof the same was confirmed by a garrison order, issued by Colonel M'Donnell, the commandant at Michilimackinack, which was forwarded by the North-West company into the Indian territory during the course of the winter. Daniel M'Kenzie further states, that whilst in charge of Fond-du-Lac he received a letter from Mr. Duncan Cameron at Red River, in the spring 1814 (evidently an error for 1815,) in which he mentions having orders to destroy the colony. Of this letter a copy has been filed with me (Deposition, No. 240,) on behalf of the Hudson's Bay company, as also (Deposition, No. 168) of another letter written by Mr. Duncan Cameron in March 1816, to the person then in charge of Fond-du-Lac, together with copy of a joint letter (Deposition, No. 168) from Duncan Cameron and Alexander M'Donnell to their partners in the interior, dated 24th February 1816, and extracts of one (Deposition, No. 167) from Alexander M'Donnell to the proprietors and agents at Fort William, dated 13th March 1816, and the whole of which appear to throw much light on the question of the degree in which the charges of previous conspiracy, and of inciting the Indians, are fairly imputable to the North-West company.

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The fact, that certain individual partners endeavoured to induce the Indians to accompany them in the spring of 1815, is established beyond a doubt by other intercepted letters which have been proved before me. In one of these, Seraphim Lamar, a clerk of the North-West company, writing from Qui Appelle (the post in charge of A. M'Donnell,) 8th March 1815, to John Dugald Cameron at Bas de la Riviere, after speaking of presents made to some of the Indians, and of their being told, that without their assistance it was doubtful whether the North-West company would be able to bring them in their supplies as customary, adds, "Hier au soir un "*sonnant* un fameux guerrier et aussi ecouté que craint est venu de lui-meme offrir ses "services, et nous promet entre 30 & 40 hommes tant Cris qu'Assiniboines qui seront "entierement à l'ordre et à la volonté de Mr. M'D. Ce matin la manche de guerre "s'est deployée, et apres avoir fumé il est parti avec le Tobac Rougie (symbole de la "guerre). Ce nombre, surquoi on peut compter, est plus que suffisant pour *deper-*"*ruquier* Cartouche, et chasser toute la canaille de la Baye d'Hudson de la Riviere "Rouge; mais je crains qu' avant ce tems la ils fassent tous leurs efforts pour se saisir "du capitaine Cameron, ce qui changeroit diablement l'opinion des natifs, et nous "mortifiera tous. Je me flatte que vous viendrez avec quelques uns de vos bons "soldats, passer le printems avec lui. Pour moi, j'ai l'honneur d'etre appointé chef "de la garnison de la Riviere la Souris, ou j'irai en cas d'attaque avant le terme "de la sommation expireé." John M'Donald, commonly called Fort Dauphin M'Donald, writes on the 12th February to the same John D. Cameron:—"Our "friend, Mr. Duncan Cameron, is in a critical situation, and am greatly afraid his "mad neighbour will commence hostilities, before he can have any aid from this or "any other quarter. You may rely on my being at the Forks as early as circum-"stances will admit. I hope to be able to raise, from thirty Indians, more or less, "to accompany me and my people; this, with what can be recruited elsewhere, I "think will decide the contest; a decisive blow must be struck, it will not answer to "do things by halves, we had enough of half measures already; but we are poorly "furnished with the requisite articles to stimulate our allies, unless a seasonable "supply will be forwarded from head quarters or Rainy Lake." Parties of Indians appear also, in conformity to these letters, to have actually come down, both with Alexander M'Donnell and John M'Donald, after the opening of the navigation in 1815; the party with the former is stated in the deposition of John Pritchard (No. 187,) to have consisted only of seven Indians; that these were however most of them chiefs; but after visiting Miles M'Donnell, and receiving from him an explanation of his views, they promised not to make war upon the settlers, as they intimated they had been solicited to do.

The party with John M'Donald is stated in the deposition of Mr. John M'Leod (No. 144,) a clerk of the Hudson's Bay company, to have been about thirty; but they did not arrive till after the settlers were gone; one of them, however, told him that they had come in consequence of engagements they had entered into with John M'Donald, to assist the North-West company to drive away the settlers from Red River. M'Leod also states, that after the departure of the settlers, Duncan Cameron severely reproached, in his presence, an Indian chief, from Red Lake (L'homme Noir) saying to him, "Do you not now feel ashamed of yourselves, for having "mistaken your own interests so far, as to have endeavoured to assist those English "who came here, not to administer to your wants, but to seize your country, and

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" spoil your lands. Your conduct was calculated to be as injurious to us as to " yourselves, yet we pitied your infatuation; and solicitous only to provide for your " future welfare, have driven away those spoilers of the land, who, had they " been permitted to establish themselves here, would soon have reduced you and " your children to a state of slavery. We have obliged them to quit your country; " if they return again, their fires shall be totally extinguished; and if you, or any " other Indians take their part, you shall share the same fate." That after this speech he invited the chief to go to his fort, to partake of a treat he was about to give, which the Indian refused, saying, " I feel too much sorrow for the loss of my " friends whom you have driven away, to feel any inclination to partake of your " treats."

The same facts are also stated, although less in detail, in the deposition of François Enodit Delorme (No. 113,) as well as that during the last of the disputes in 1815, he was himself employed, on behalf of the North-West company, to engage the Indians to fire upon the settlers, and actually gave ammunition to four Indians on this condition. This last witness, it is however to be observed, is contradicted in so many instances by other evidence, that it seems right to receive with some hesitation whatever rests solely upon his testimony. At the same time I feel inclined to think, that although a careless and inaccurate witness, he does not wilfully mistake, and is therefore generally entitled to credit on those points which he deposed on his personal knowledge.

Such are the principal facts that have appeared before me on the question of a connected conspiracy for the expulsion of the colonists, or as to the particular fact of a plan to incite the Indians to destroy the same; respecting both of which I have thought it right to enter into full details, inasmuch as the former imputation forms the foundation of the charges against the North-West company as a body; and the latter has been peculiarly dwelt upon in the correspondence between the parties and His Majesty's Government. On the whole, the impression on my mind is, that no sufficient proof of an illegal conspiracy, or of any concerted plan for exciting the Indians is made out.

With respect to the latter in particular, notwithstanding the singular coincidence between the previous information of Donald M'Kenzie, and subsequent declaration of Katawabetay, respecting Daniel M'Kenzie, I am of opinion, exclusive of any hesitation as to Indian testimony, that nothing more than loose conversations on the subject have taken place between individuals, one of which has probably been repeated by Daniel M'Kenzie.

The formal orders given at the meeting have probably therefore been confined to the execution of the warrants issued, and the affording passages to the settlers; but at the same time there can scarcely be a doubt that it was well understood by the parties, that every inducement was to be held out to the settlers to adopt this measure. This last fact is tacitly, indeed nearly admitted, in the late statement of the agents of the North-West company, and probably such further expressions of hostility towards the colony, and wishes for vengeance for the imputed insult sustained by the North-West company, may have been commonly used, as naturally to impress upon the minds of those employed the conviction declared by Alexander M'Donnell, " that " something serious would undoubtedly take place, and that nothing short of the " complete downfall of the colony would satisfy some, by fair or foul means." In estimating the probable effect on the minds of the parties employed, of suggestions like those supposed, and indeed in some degree known to have been addressed to them, it is necessary to consider their peculiar situation, both as a body and as individuals. As a body, it is notorious that the North-West company enjoy a monopoly, yielding, as appears by an intercepted letter proved before me (Deposition, No. 218,) even in some of these years of contention, a dividend of £.400 a share, or £.40,000 on the whole, exclusive of the large profits of the agents, and this founded not on any legal right, but arising from a junction of capital and connection, which has hitherto enabled them to overwhelm all competition. To effect this it is however obvious, that they must at all times hold themselves prepared to resist, as it is publicly known they have done every attempt at encroachment, with promptitude and vigour, as also that they have not in general been very scrupulous as to the legality of the means pursued to accomplish an object involving the vital interests of the company. As individuals also, the stimulus held out by the large share of the profits reserved to reward those who may distinguish themselves by their zeal and exertions in the service

service of the company, naturally excites a spirit of bold and determined enterprize, which, whilst it has led to the extension of their trade nearly from ocean to ocean, has at the same time naturally tended to form an "*esprit de corps*," little attentive to the claims and rights of others, and much more disposed to inflict than submit to acts of insult or violence. A determined spirit of this nature is strongly exhibited in many of the intercepted letters proved before me; this may however have been partly formed by the local situation of the parties, especially in the more distant parts of the country, where, far removed from the protection of the law or civilized society, every man must feel his life to be, to a certain degree, in his own keeping, and to be best secured by a constant and open preparation for self-defence.

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On behalf of the North-West Company, such parts of the present charge as are admitted, are either justified or excused by the previous provocations received; the necessity, owing to the state of public affairs, of securing their supply of provisions from the interior, and their right of adopting every legal means of self-defence against an establishment, of which the inhabitants, instead of continuing peaceable settlers, had been converted into an armed force, evidently for the purpose of their expulsion from the Red River, and ultimately from the whole country. In answer to the objections raised against the warrants being issued by a partner of the North-West company, and the presumption (which is much dwelt upon by the opposite party,) that they aimed at something beyond legal redress, or would have sought it by an appeal to the Privy Council, they state, that the first was a measure of necessity, as at the period in question, there were no other magistrates for the Indian country, (for the truth of which fact, they refer to the list of such magistrates, published by authority, probably meaning the Quebec Almanack, which is not, however, a work so published,) excepting the immediate connexions and dependents of one company or the other; and that, with regard to the latter, independent of the urgency of the evil, which would not admit of so remote and slow a remedy, it would have been an admission of Miles M'Donnell being a duly appointed governor of a British colony, which they have at all times denied in the strongest terms. These observations, although plausible, do not, however, remove from my mind the impression that the course pursued by the North-West company, was adopted rather from that general spirit which inclined them to seek redress from their private force, than from a deliberate consideration of the motives now assigned; the express declaration made by one partner, Mr. James Hughes, after his return to the interior, has indeed been proved before me to have been, "the North-West company will seek no redress "from the law, for they are determined to redress all grievances they may suffer, "themselves."

On the subject of the partial employment of the Indians, and still more generally of the half-breeds, by particular partners in the course of 1815, no explanation is offered by the North-West company; it is right, however, to observe, that these measures were not adopted till further alarm had been caused, and provocation given, by the formal notices to quit their trading posts.

2

Mr. Duncan Cameron, a few days after his arrival to take charge of the North-West post at the forks of Red River, arrested Mr. John Spencer, in virtue of the warrant issued at Fort William against him, and the next day sent him off to Lac-la-Pluie. In passing Fort Douglas, the colonial servants forced open the store door for arms and ammunition to release him, but he would not allow them to interfere; Mr. Alexander M'Lean (who was evidently at this period an object of suspicion in the colony, and one of whose daughters had been taken down for her education to Montreal by the North-West company) was also active in preventing them. In the evening, as Cameron was returning, the men again forced open the store door for arms to shoot him; and it is stated by Duncan Cameron, in a letter to Miles M'Donnell, that one M'Vicar actually fired upon him; but this latter charge is not established by evidence.

On the 5th September 1814.

About this time it is stated by different witnesses, that Duncan Cameron called a public meeting of the freemen and half-breeds, and made them a speech, stating, that he was appointed captain, and Mr. Alexander M'Donnell his lieutenant, as it was apprehended the Americans might come, and that he had a right to command every one, not excepting captain M'Donnell; and one witness (Deposition, N° 131) adds, that he also told them at this time, that the colonists were taking their lands, and that if they allowed them to go on, they would soon become stronger than themselves, and drive them from the country; and there seems no doubt, that such

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representations were made at a subsequent period, if not on his first arrival; as also, that during the course of the autumn and winter, he adopted every measure in his power to increase his own influence, and to diminish that of Miles M'Donnell, particularly by encouraging the free Canadians and half-breeds to treat with contempt M'Donnell's order respecting the running the buffalo on horseback, ordering his own hunters to drive away the cattle from the colonial hunters, and punishing, when in his power, any persons appearing friendly towards the colony; this is particularly stated to have been done in the case of one Plante, who affirms, that after having been severely reproached by Mr. William M'Gillivray and Archibald Normun M'Leod, at Fort William, for some slight services rendered Miles M'Donnell, he was sent down to Montreal as a punishment, (a journey, which by the original terms of their engagement, most of the freemen are liable to perform, and which is generally held over their heads in terrorem by the North-West company,) and that during his absence, four horses and a cart were taken from him, and that on the settlement of his account, a female slave, which he had been led to expect as a present, was charged him at eight hundred livres.

On the 21st October 1814.

Miles M'Donnell, two days after his arrival at the forks of the Red River from Hudson's Bay, sent a notice to Duncan Cameron, in the following terms:—"Take "notice, that by the authority and on behalf of your landlord, the Right Honourable "Thomas Earl of Selkirk, I do hereby warn you and all your associates of the North-"West company, to quit the post and premises you now occupy at the forks of "Red River, within six calendar months from the date hereof.

"Given under my hand at Red River Settlement,
"this 21st day of October 1814.

(Signed) "*Miles M'Donnell.*"

Similar notices were sent to all the other posts within the district of Assiniboin, and like assertions of exclusive territorial right appear (although the *fault* is not strictly proved) to have been made in various other quarters of the territories assumed to belong to the Hudson's Bay company. These notices are stated by Miles M'Donnell to have been sent, in order to prevent the North-West company acquiring a prescriptive right to the soil; this view of the claim is not however at all noticed in the journal of Peter Fidler, a document of importance, of which the North-West company have filed (Deposition, No. 164) large extracts before me, and who was employed to deliver the notice to Duncan Cameron; at all events, in the relative situation of the parties, whether the notice was to quit at the precise time fixed, or merely to establish a future right, does not seem very material.

This being the first unequivocal declaration on behalf of the Hudson's Bay company, or the Earl of Selkirk, of an intention to enforce the rights of the charter, and furnishing also one of the strongest proofs of an organized plan, or as termed by the North-West company, of a conspiracy to expel them forcibly out of the Indian country, it may be necessary to advert to the causes which dictated the measure, as well as to the view in which it must have appeared to the opposite party.

By the general tenor of the testimony before me, and more particularly from the observations of the legal agents of the Earl of Selkirk, it appears, that the Hudson's Bay company virtually abandon the claim to those rights under their charter, which go directly to establish a commercial monopoly, or to provide for the enforcement thereof; but that supported by eminent legal opinions, they persist in their claim to the territorial and judicial authorities granted incidentally by the same, which in fact could they be strictly enforced, would virtually ensure to them the whole privileges of the charter.

The difficulties of enforcing the territorial rights are however considerable, inasmuch as although the clauses for the protection of the charter in general appear sufficiently strong; yet it is stated in the "Observations," that the breach of the territorial rights granted thereby, has been considered by the best lawyers as a mere civil trespass; and that a trespass of this kind committed within the colonies, was not within the cognizance of any of the courts of common law at Westminster. The Privy Council, it is further stated, though the proper court of appeal, would not take cognizance in the first instance, of a complaint against a private association of individuals like the North-West company, and the Act of the 43d Geo. III, cap. 138, even if applicable to the Hudson's Bay territories, being limited to criminal cases, could not afford any redress for a civil trespass.

On

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

(21st October 1814.)

On these grounds, therefore, the legal agents of the Earl of Selkirk argue, That the only mode in which the Hudson's Bay company could bring their rights of exclusive landed property and jurisdiction to a legal trial, was by enabling their governors to enforce the judgments of their courts, leaving the North-West company, or any others deeming themselves aggrieved, to appeal to the Privy Council; that consequently, the Hudson's Bay company has taken every step consistent with its rights as a chartered body vested with jurisdiction, for the purpose of appealing as early as possible to the laws of their country; and that inasmuch as the force furnished their governors to support their judicial proceedings, was legal and necessary for the due exercise of the company's rights of jurisdiction under the charter, it follows of course, that the employment of an *illegal* private force originated with the partners and agents of the North-West company.

This statement, although ingenious and plausible, is however far from being satisfactory to my mind, for without reference to the Act of the 43d Geo. 3, (under which it appears to me probable that any forcible *resistance* to the civil authority of their governors, instead of being put down by superior *force*, might have been brought to trial as a *criminal* offence,) inasmuch as the Hudson's Bay company generally deny the authority of that Act within their territory, on the grounds (as far as I have been enabled to infer from accidental allusions to the subject in the papers filed before me) that the Act being intended to give a jurisdiction, where none previously existed, cannot be held to extend over their territory, for which a jurisdiction had been provided by the charter, whereof the Legislature could not in presumption of law be supposed ignorant; I cannot but feel on those stronger grounds of natural equity, which in extreme cases must be allowed in some degree to control all law; that there must be some fallacy in any train of argument, which should lead (as the present does as nearly as possible) to this conclusion; that an interested party claiming rights, *long previously possessed by another*, can be entitled to become the judge in his own cause; and in the first instance at least, to place himself in forcible possession of the object of contest; and this fallacy I have little doubt, exists in the total omission to notice the long non-user of the contested rights; these it appears have never been claimed during the course of nearly a century and a half, a circumstance which must necessarily affect the question in a material degree. Whatever may, however, be the final legal decision on this point, the primary appearance of doubt which it necessarily throws over the question, has produced on my mind a strong impression, that it was the moral duty of the Hudson's Bay company to have established their claims, by reference to some superior tribunal, or by petition to Parliament, if no other legal course existed, before attempting to right themselves by their private force; and further, as has already been stated in substance, in the paper No. 57 (transmitted by my late colleague and myself to Government, in our joint letter of 14th April 1817,) that whatever may be the ultimate decision respecting the right of jurisdiction, the claim thereto was of too doubtful and novel a nature for it to form a sufficient primary justification for any proceedings in the exercise thereof, which might otherwise be considered as breaches of the peace, or acts of violence; and it is in consequence of this latter opinion (exclusive of all other considerations,) that I have never felt the least doubt as to the propriety of the injunctions contained in the proclamation of the 3d May last, issued by command of His Royal Highness the Prince Regent, to put an end to all such acts of violence, nor of the legality of my own proceedings, as far as necessary to give full effect to the same.

Such, according to the impressions on my mind, is certainly the correct view to be taken relative to the present claims of the Hudson's Bay company; but at the same time, supported as that company was by high legal opinions in favour of their rights, it requires but little consideration, or allowance for the natural bias of all human beings in favour of their own opinions and interests, to account and find strong excuses for the course of conduct adopted by them, independent of the ultimate possibility of its being legally justifiable; and similar considerations will still further account for and excuse the conduct of their servants, acting *bond fide* in support of the company's rights.

Allowances of a similar nature ought also, in fairness, to be made for the conduct of the North-West company in several respects, and still more for that of many of their servants and partizans, in endeavouring to resist, what must to them have appeared a violent and unnecessary exercise of force, (for it is not pretended that the peculiar circumstances which led to the adoption of the measures pursued by the

Inclosure in Sir J. C. Sherbrooke's, of 30th July 1818; viz. Mr. Coltman's Report, &c.

Hudson's Bay company, were explained to their opponents,) for the purpose of driving them from the country, which independent of the general notoriety of the fact, they show by evidence to have been occupied for the purpose of trade, by their immediate predecessors, for the period of forty years or upwards, and by the French traders of Montreal beyond the memory of man; the ruins of their old forts and buildings having been seen by the oldest men in the country on their first going there; whilst (21st October 1814.) it is positively stated before me, to be only twenty-five years since the Hudson's Bay company first made an establishment on the Red River.

On the 9th February 1815.

John M^c^ Leod, a clerk of the Hudson's Bay company, was made prisoner, and detained for five or six days at a camp formed on the plains near Turtle River, by some of the North-West company's servants, together with a number of free Canadians, and their half-breed children.

The present is the first occasion when the half-breeds appear to have taken any part in the disputes of the Indian country, and their present proceedings seem clearly to have originated in the apprehensions of themselves and the free Canadians, that Miles M^c^ Donnell was coming with an armed force to take their horses and provisions, as a punishment for their neglect of his order, in continuing to hunt the buffalo on horseback; in consequence of which alarm they took up arms to defend themselves, and detained Mr. M^c^ Leod, who went to them with a letter, from suspicion of his being a spy.

In the course of a few weeks afterwards, Peter Pangman dit Bostonois, a leading half-breed, and at this time an interpreter in the service of the North-West company, as he had previously been in that of the Hudson's Bay company, under the immediate orders of Mr. Hugh Heney, (a respectable Canadian, who was lately examined by me (Deposition, No. 109,) and gave Bostonois a favourable character,) was arrested by Miles M^c^ Donnell, at Pembina, on the complaint of John M^c^ Leod, of having been one of those principally concerned in his detention at Turtle River, and other violences connected therewith. This complaint, as well as a very long examination of Bostonois, is filed (Deposition, No. 111,) but establishes nothing very material. This arrest of one of their own body, without any adequate cause in their opinion (for M^c^ Leod's detention appears either to have been overlooked, or deemed by them justifiable,) is stated to have very much exasperated the half-breeds, and together with the order respecting the hunting of buffalo, to have principally given rise to their decided hostility to the colony, and their subsequently making common cause with the North-West company.

Cuthbert Grant, another of the principal half-breeds (who, left an orphan at the age of seven, had been protected and educated by the North-West company at Montreal, and at the early period of nineteen, was a confidential clerk in charge of one of their trading posts,) stetes these facts decidedly in his deposition, and particularly with respect to the order not to hunt buffalo on horseback; that a copy thereof was forwarded to him by Miles M^c^ Donnell, with a letter, threatening the most severe consequences if the order was disobeyed, and directing him to read the same to the people at his post, and affix it at the gate thereof, which he accordingly did, but that it was shortly afterwards torn down by some of the half-breeds. The remaining occurrences this winter in the neighbourhood of Turtle River, are stated in various depositions, but generally in a confused and contradictory manner; the clearest and as appears to me the best accounts, are those of Jean Baptiste Davis (Deposition, N° 131,) and Joseph Jourdain (Deposition, N° 222,) both at that time in the employment of the North-West company, but who have since quitted their service, and were brought before me, as witnesses on behalf of the Hudson's Bay company; from their depositions it appears, that the armed camp was first formed in consequence of the statements made by John Warren, a clerk of the colony, of Miles M^c^ Donnell's intention of coming to seize the horses and provisions; that Bostonois having arrived with other servants of the North-West company for provisions, about the time the freemen and half-breeds were assembling, sent information of what was passing to Mr. Cameron, at the Forks, who replied he must act according to his own discretion, as he (Cameron) could not come; that subsequently, about the time Bostonois was taken prisoner, Cuthbert Grant had come up to Turtle River in charge of a warrant which had been issued at Fort William, against Warren, and that on receiving intelligence of Bostonois' arrest, Grant set out at the head of an armed party of about thirty men, all fully determined to liberate him; that this party consisted partly of servants of the North West company, who went by orders of their masters, and partly of free Canadians

Canadians and half-breeds, who accompanied them at their request, from friendship for Bostonois, together with an opinion of his being unjustly treated; that in their way to Pembina, this party fell in with Mr. Warren, whom they made prisoner in virtue of the warrant, the authority of which he denied, but was taken by them, with two of his followers, to Pembina; that when arrived there, the parties who had first mentioned the reports attributed to him, repeated the charge in his presence, and that of Miles M'Donnell; that Warren denied the accusation, but Miles M'Donnell observed that there were three witnesses against one, and added, if he had said what was imputed to him, he ought to be responsible for it, as he had no authority for the same; and that finally, after some further discourse between Cuthbert Grant and Miles M'Donnell, Mr. Warren, and his people were liberated, as was also Bostonois.

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c. (9th February 1815.)

Respecting the freemen and half-breeds, it appears by other evidence, that the number of the former living on the Red River may be between twenty and thirty, and of the latter about seventy men, fit to bear arms; that of the half-breeds, perhaps a fourth may be in the regular employment of the North-West company as clerks, interpreters, &c.; of whom a part (the offspring chiefly of partners or clerks of the company) have received an ordinary school education, fitting them to act as clerks; but others even of this class can neither read nor write, as is well known to be the case with Bostonois. That the other three-fourths subsist chiefly by hunting the buffalo, and furnishing provisions to the traders of both companies, and frequently during the summer working as canoe-men for the North-West company, to whom, since the commencement of the disputes, they have indeed attached themselves almost exclusively; these latter are notoriously without any education, some, though few, scarcely speaking French, and being little removed from the savage state; the whole appear to keep up their connexion with their Indian relations, and to have exercised at all times, the rights of hunting and fishing, which a stranger could not have done.

It is further stated by witnesses, of whom one has frequented the Red River for forty-six years past (Deposition, No. 108,) that the half-breeds, with the Crees and Assiniboins, were always considered the proprietors of the country; and it is fully admitted by all parties, that the Salteaux Indians who came there only about twenty-five years ago, have always been considered as occupying the lands under the permission of the Crees, and not as proprietors. It appears also, that although the half-breeds have of late principally associated with the Canadians, and in some degree adopted their manners, yet that various individuals of this class (whose names have been proved before me, and who appear to have been descendants of former French traders,) were found living with the Indians, and established as chiefs on the Red River when the first traders came there after the conquest of Canada. It is further stated (Deposition, No. 108,) that as chiefs, they levied heavy contributions on those who came into the country to trade; also that the present half-breeds are very jealous, as were their ancestors of their rights, and that they often complained of the occupation of their lands by the settlers, especially when they found them acting with so much injustice in other respects.

An affray took place at Isle-a-la-Crosse, in which it appears that one servant of the North-West company, and a clerk of the Hudson's Bay company (one Johnstone,) were killed. In the late statement of the North-West company to me, it is attempted to connect this event with the orders given in the Earl of Selkirk's letter of 18th June 1812, already mentioned; no other proof, however is produced, than a letter of Mr. Joseph House, the person in charge for the Hudson's Bay company, from which it appears only that the dispute was principally relative to a trap, and the chief blame of this fatal event, although totally unintended, is allowed by him to have rested with his party.

On the 14th February 1815.

Four brass field-pieces, four iron swivels, and one howitzer, were forcibly taken from a dwelling-house adjoining to the Government House at the Red River colony, by a party of settlers who had left the same, amongst whom George Bannerman, Angus Gunn, Hugh Bannerman, Donald M'Kinnan, and Donald M'Donald, are mentioned by name, whilst the principal officers in charge of the colony were detained prisoners by George Campbell, Andrew M'Beath, Angus M'Kay, and John Cooper, until the cannon were taken away; and Robert Gunn and others stood at the door of the house where the officers were detained, for the purpose of preventing any one from coming to their assistance. Alexander M'Lean was at the same time

On the 3d April 1815.

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

(5d April 1815.)

made prisoner by Duncan Cameron and John Dugald Cameron, partners, and William Shaw, Cuthbert Grant, and Peter Pangman Bostonois, clerks of the North-West company, and several of their own servants, together with John Early, one of the settlers, and was detained by Shaw about two hours, whilst several of the last-mentioned party appear to have gone and met the settlers, on a concerted signal, as they were bringing off the cannon, huzzaing and expressing their satisfaction and joy. One of the evidence mentions also John Matheson, Angus M'Auley, William Sutherland and Angus Sutherland, by name, as having taken part in these proceedings.

On this charge, a bill of indictment was found at Montreal in March 1817, against George Campbell, John Cooper, Donald M'Kinnon and Hugh Bannerman, Duncan Cameron, John Dugald Cameron, Cuthbert Grant, William Shaw and Peter Pangman alias Bostonois.

From the following letter, filed in the evidence before me, and also admitted in the "Statement," published in London, I feel some doubt, however, although a violent riot and breach of the law may have been committed, whether the fact of stealing can legally be established.

"Mr. Archibald M'Donald;

"Sir, Forks of Red River, 3d April 1815.

"As your field-pieces have already been employed to disturb the peace of His "Majesty's loyal subjects in this quarter, and even to stop up the king's highway, "I have authorized the settlers to take possession of them, and to bring them over "here, not with a view to make any hostile use of them, but merely to put them out "of harm's way; therefore I expect that you will not be so wanting to yourselves as "to attempt any useless resistance, as no one wishes you or any of your people "any harm.

(Signed) "*D. Cameron*, V. C."

The present is the first act of violence in which the settlers who abandoned the colony, appear to have participated, and the only one in which any number of them took a share; the details thereof are not very fully before me, as few or none of the settlers examined by me spoke of it voluntarily, and from the number implicated in the offence, there was considerable delicacy in my questioning them. From the depositions, however, produced on behalf of the Earl of Selkirk, and other incidental evidence, exclusive of that collected from the settlers on behalf of the North-West company on their first arrival in Upper Canada, I have little doubt that their intentions were merely to prevent the cannon being used, to hinder them from quitting the country. Could entire dependence be placed upon these latter statements, the fact might be considered established; but it has appeared to me necessary to receive, with considerable caution, the depositions made by the settlers at the instance of either party, especially where copies only have been laid before me; at the same time, on a review of the whole evidence relative to the settlers, the following facts appear to be supported by such a concurrent strength of testimony, either direct or circumstantial, or to be so far admitted on both sides, as to satisfy me of their general correctness; that very great hardships were suffered, and considerable dissatisfaction had existed amongst the servants and settlers that came out in the year 1812; that equal hardships had been sustained, and similar dissatisfaction had prevailed amongst those who came out in the year 1813, and who had been obliged to pass the first winter at Fort Churchill; that these two sets of men, of whom the colony principally consisted in 1814, had been treated with severity by most of the officers (how far necessarily does not appear); that during the summer 1814, the North-West company, having apparently submitted to Miles M'Donnell's authority, every thing appearing quiet, and the settlement remaining principally under the charge of Mr. John Spencer, who appears to have been much liked by the settlers, the former dissatisfaction was fast wearing away, and several of the last arrived settlers, pleased with the fertility of the soil, and the appearance of the growing crops, wrote about this time to their friends in Scotland to come out and join them; that on the arrest of Mr. Spencer, and their being subsequently compelled by Miles M'Donnell to take up arms, he at the same time declaring that the laws of Canada had no authority over him; that in Red River the stronger party dictated to the weaker, and that as governor and representative of Lord Selkirk, he could recognize no superior authority, their

their sentiments began again to change; that as the season advanced, finding themselves ill supplied with provisions, and also that they could not be furnished with the tools and other necessary articles for carrying on their work as farmers, (all which, including provisions, the Earl of Selkirk had engaged to advance, till they could repay the same from the produce of their farms) the majority of the settlers determined to quit the country; and accordingly, towards the close of the winter, went over to the North-West post: That the repeated assurance of Duncan Cameron and his partizans, of the superior advantages to settlers in Upper Canada, and of the protection of the North-West company in settling themselves, and his known readiness to furnish passages free of expense to every one, joined to exaggerated statements of the dangers from the Indians, had a considerable share in producing this determination; and finally, that to some of the most influential settlers, as Alexander M^c^Lean and George Campbell, there can be little doubt that further rewards were offered by the partners of the North-West company to induce them to leave the settlement, although as to George Campbell there is no other proof of this than the presumption arising from his having actually received £.100 after the colony was broken up.

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c. (3d April 1815.)

The first shot is stated to have been fired between the parties, after a succession of irritating occurrences. It appears, that shortly after the taking away of the cannon, Donald M^c^Kinnons, one of the parties thereto, was made prisoner, but rescued on the 5th April; that William Shaw, a half-breed, son of Angus Shaw, partner of the North-West company, was also arrested shortly afterwards, but liberated after a confinement of a few days; that about the 17th April, the warrant against Miles M^c^Donnell was served upon him by one Longteus as a constable, but that he denied its authority, and, instead of obeying it, caused the constable to be confined for some hours. On the opening of the navigation, each party was joined by additional numbers; but of the further occurrences of this period, except the arrival of a party of Cree Indians, as already mentioned, with Alexander M^c^Donnell, and a charge against the half-breeds, of having killed several of the colony horses, under pretence of its being done by these Indians, no details are before me previous to the 20th May, when the extracts of Peter Fidler's journal, (Deposition, No. 164,) hereinbefore mentioned, commence for this year, and are continued to the departure of the colonists: as these appear to contain a pretty full and candid account of the principal occurrences, (each day being extracted at length, when at all referred to,) they have been chiefly relied on for the period in question; the occurrences whereof will also be materially elucidated by reference to the annexed Plan, No. 3, containing a sketch of the immediate neighbourhood of the forks of Red River. By the aforesaid journal it appears, that on the 20th May some vollies of musquetry having been fired, and the bagpipes played, on account of some rejoicing at the North-West post, when fifty of the colony, or Hudson's Bay servants, (whereof each had separate establishments, although in houses nearly adjoining,) went down, with six or seven of their officers, and, by way of alarm, fired several rounds of powder; that on the 21st May, all persons were forbid to visit the Canadian house, supplied with ammunition, and formed into four divisions, to be ready in case of an attack; that on the 25th at sun-rise, several settlers, (who had been dancing the preceding night at the North-West post) with Green and Hector M^c^Donald the piper at their head, came down to a fence adjoining the colony buildings, and broke part of it; whereupon several shots were fired at them by the people there; that a wall-piece ball passed through the hat of one Joseph Cathers; and that George Campbell was nearly wounded, two balls having, as it is said, struck the ground very near him.

On the 25th May 1815. (25th May 1815.)

Respecting this affair, there is very much contradictory evidence, and a bill of indictment was found against George Campbell, Robert Gunn and Hector M^c^Donald, for maliciously shooting in March 1817; and another bill against James Flynn, a servant of the colony, in March last, for the same offence; the parties respectively swearing, that the first shot was fired by the other without previous provocation. On the whole, however, there can be little doubt, that the account herein given from Fidler's journal, is the correct one. This appears to be the only charge against Hector M^c^Donald, who states in his deposition, (No. 122,) that shortly before the indictment was found against him, after he had been many months publicly and openly in Montreal, he was spoken to by Hector M^c^Lachlan and Archibald M^c^Donald, and that the former told him, that if he would not give his evidence in favour of the Earl of Selkirk, he (the Earl) would put him in gaol, and the latter hinted the same thing: It is notorious that he was since really confined in gaol for nine or

ten months, but that Lord Selkirk was absent during the whole time in the Indian country.

On the 7th June 1815.

It appears by Fidler's journal, that a large armed party was sent down from the North-West post, to take a position at Grenouillière, or Frog Plain; that a notice was sent to Mr. James Sutherland, one of the chief factors of the Hudson's Bay company, that the same would not be withdrawn till Captain M^c^ Donnell was given up, and another to the servants, not to resist the law in supporting him; that Messrs. M^c^ Lean, M^c^ Leod and D. M^c^ Naughton went down to see what the North-West party were doing at the Frog Plain, and M^c^ Naughton advanced near them, when on the war-whoop being given, he foolishly fired a pistol, at the distance of about 400 yards, whereupon immediately several shots were fired, both at him and at the other two; that the six cattle belonging to the colony were driven to the Frog Plain, the old bull killed, and the servant sent down for them told by Alexander M^c^ Donnell, that they would not be returned, unless tobacco was sent for the half-breeds.

By other evidence, (Deposition No. 113,) it appears, however, that M^c^ Donnell had wished the cattle to be all returned. Miles M^c^ Donnell, in his depositions, Nos. 110 and 111, stated this affair pretty fully, and annexes copies of the depositions of M^c^ Naughton, M^c^ Lean and M^c^ Leod, none of whom, however, mention the pistol fired by the first; but as they do not state the firing to have been without provocation, there is little doubt the fact is correctly stated in the journal.

On the 10th June 1815.

It appears that about one o'clock in the morning, a number of persons, chiefly half-breeds, belonging to the North-West post, passed the ditch of the colony buildings, singing the war song, on which all hands there turned out under arms; that in the course of the day a small canoe arrived with a hand-bill, announcing peace with America, on the back whereof was written, "Peace with all the world, except in Red River;" and that the hand-bill, together with the Canadian jurisdiction act, was sent by Duncan Cameron to the colony servants; that a little after this the war song was again sung near the ditch, whereupon M^c^Lean and Flynn went away, with others following them; that Flynn having challenged a person four times, without any reply, fired; that many shots were afterwards fired on both sides, perhaps 100, but that on the wall pieces beginning to fire from the upper story of the colony buildings, the party soon dispersed, no one being hurt.

(11th June 1815.)

It appears by the aforesaid journal, that at half past eight o'clock, A. M. the North-West party begun a sharp firing, with small arms, at the colonial buildings; that all hands there were busily employed in returning their fire, but that the former, firing from behind the bushes, could only be distinguished by the smoke of their guns;

(11th June 1815)

that Mr. M^c^Lean had the misfortune to shatter his left arm, by the bursting of a wall piece; and that Mr. Warren was also struck with a splinter behind his left ear, which nearly killed him; that a ball passed through the fleshy part of Duncan M^c^Donald's shoulder; all which took place in less than half an hour, during which time the attacking party fired 150 shot; that the Hudson's Bay company's servants remained in the company's house, and did not fire a shot; that the Canadian party fired one volley at this house, and that two balls came through the logs, and Francis Mongeunier was wounded a little above the ancle; that the Canadian party begun by firing at Mr. Bourke and Flynn, as they came out of the colony house, that their party was supposed to consist of about twenty; that they fired at the distance of about 40 to 60 yards from the company's house, and about 160 from that of the colony, and that it was said Bostonois came down to take them away; that this affair intimidated the colony servants very much, and that on the captain's (Miles M^c^Donnell) making them a speech to defend the premises, they appeared not to refuse this, but objected to protect him against the warrant, as the Canadians invariably gave out that his person was the only cause of hostility.

The other accounts of this affair are very contradictory, especially as to the persons who were present. Bills of indictment for maliciously shooting were found against George Campbell, Duncan Cameron, Seraphim Lamar, Cuthbert Grant, and William Shaw, in March 1817.

The account of Jean Baptist Dumarrais (Deposition, No. 307,) who acknowledges having been present with the attacking party, appears to me on the whole, to be the most clear as well as correct of those before me, and also to reconcile, in some degree, the contradictions of others, who have spoken on less certain knowledge. He states, that

that in the morning, before day light, being at Frog Plain, several half-breed Indians and Canadians, about twelve in number, told him that they had been attacked, and had fought with the people of the colony, the night before, and that as they had got a supper over night they must give them a breakfast; that he endeavoured to persuade them to go first to the North-West post, but they would not agree thereto, Cuthbert Grant, who had the charge of the party, saying that Mr. Cameron would not allow them to fire, and encouraging them to go immediately to the attack, whereupon himself and all the other half-breeds, set off with Grant, after the latter had had a short conversation with Alexander M^c^Donnell; that as he did not like the affair, he kept in the rear of the party, with Shaw Bourassa and Antoine Ducharme, but on hearing the firing he advanced and found the greater part of the half-breeds, who were firing on the houses of the colony, from a distance (Miles M^c^Donell, Deposition, N° 110, estimates this distance at 300 yards,) and the people of the colony returning their fire; that nearly at the same time, a number of Canadians, amongst whom it appears by other evidence, were Seraphim Lamar and George Campbell, came from the North-West post, to see what was the cause of the firing, and that soon afterwards he saw Mr. Cameron, who called out to them and to all others, to leave off, in the King's name, and to return to their post, which they accordingly did, and that the half-breeds were conducted back, the same evening, to the Grenouilliére by Duncan Cameron, with orders to remain quiet, and to watch that Miles M^c^Donnell did not escape.

Inclosure in Sir J. C. Sherbrooke's, of 30th July 1818; viz. Mr. Coltman's Report, &c. (11th June 1815.)

Miles M^c^Donnell quitted the Red River, having surrendered himself a prisoner, under the warrant from Fort William, a few days before to Alexander M^c^Kenzie, a partner, and one of the agents of the North-West company. It appears that from the period of the encampment being formed at Frog Plain, every method was adopted by the North-West party to harass the people of the colony, for the ostensible purpose of compelling them to surrender M^c^Donnell: That Laughlin M^c^Lean, a clerk of the North-West company, who had brought a party of half-breeds from the Saskatchewan River, went round and disarmed the settlers; that several settlers were taken down to the camp and confined, and their property plundered; that all the horses belonging to the colony were taken away; that about the 15th day of June, Alexander M^c^Donnell came with a party, and took forcible possession of the farm houses belonging to, and situated about an hundred yards distance from the colony buildings, and erected a battery with cannon against these latter; and finally, that the servants of the colony under all these circumstances continuing daily to desert, Miles M^c^Donnell (with the advice of Messrs. M^c^Donald, White, Fidler and James Sutherland, his appointed council) determined to surrender himself, in hopes that the safety of the rest of the colony might thereby be ensured, and on his surrender, it does appear the North-West camp was broken up, and every thing moved back to the Forks.

On the 21st June 1815.

The colony was finally broken up, and the remaining settlers and servants, consisting of 13 men with their families, in all about forty persons, embarked for Jack River.

On the 27th June 1815.

It appears by Fidler's journal, that on the 19th June there had been a meeting at the North-West post, between three of the partners and several of the clerks and half-breeds, and the four persons above mentioned, as forming the council of the colony; for the purpose of making some arrangement for peace, and the restitution of the property taken; but that nothing could be done, as although the North-West partners declared their readiness to deliver up every thing their Canadian servants had, they professed to have no control over the half-breeds, and these latter declared they would not allow any of the colonists to remain; Shaw, the half-breed, even told them, that the Hudson's Bay company's servants would only be allowed a month to take away the company's property. In all this, the half-breeds were supported by Duncan Cameron and Alexander M^c^Donnell, at whose instigation they were thought to act; as Duncan Cameron was said to have told M^c^Nalty, one of the settlers, some time previous, that he was determined not the least vestige or trace of the colony should remain after him: subsequently it appears, that a good deal of negociation took place between the persons in charge of the colony, and the half-breeds; whom they endeavoured to conciliate, on finding that the colony's being allowed to remain depended upon them; and for that purpose employed some of the Hudson's Bay company's half-breeds to speak to them. That these endeavours proving unsuccessful, an agreement was finally entered into, on the 25th June, between the half-breeds and the Hudson's Bay company, which is given at length in

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

the journal, and by which it was settled that all the colonists were to retire; that the Hudson's Bay company should be allowed to send in three or four boats yearly for the purpose of trade, but should not occupy any of the colonial buildings: That the settlers did accordingly retire with the bulk of their own and the property of the colony; Mr. John M'Leod remaining with some goods for the company's trade, and in the charge of every thing left; Cuthbert Grant, in the name of the half-breeds, finally granted M'Leod permission to remain in one of the colony houses, and to have the crop.

(27th June 1815.)

About this time, an address to the government of Canada was prepared by the half-breeds, respecting their claims to the lands of Red River, the contents whereof are stated in Cuthbert Grant's deposition, (No. 216,) as well as his ignorance of its ultimate fate. Some testimony has been produced to show, that an open and direct part was taken by Duncan Cameron and Alexander M'Donnell, in driving off the colonists; but it appears either to be contradicted by circumstance of time, or place, particularly as to Duncan Cameron, who is proved to have left the Red River on the 21st June, with Miles M'Donnell, and not to have returned till about the 30th of the month; or not to be sufficiently precise to establish the charge to the extent intended. That menacing language of such a nature was sometimes used by them, as herein-before mentioned, to M'Nalty, or that attributed by M'Lachlan, (Deposition, No. 127,) to Duncan Cameron, "that Miles M'Donnell wanted to get them out of "the river, but that they, the North-West company, would drive him out of it," admits of little doubt; as also that whatever influence they had over the half-breeds, was used to promote this purpose. Duncan Cameron's letters to Hesse, (Deposition, No. 168,) show his early and strenuous endeavours to incite the half-breeds and others against the colony; and Desmanais (Deposition, No. 407) states, that this was the first year the half-breeds began to talk of a recompence for their lands from the colonists; that Bostonois, who first spoke of it to him, said it had been mentioned by persons better informed than either of themselves; also afterwards, when treating with the colonists, these latter offered to confine themselves to three small points of land, until some arrangement could take place between the Earl of Selkirk and the half-breeds, they rejected the proposition for fear of some treachery, the partners and clerks of the North-West company telling them they could not depend on what the colonists said to them. Desmanais further states, that of the half-breeds then assembled, one-fourth were in the regular pay of the North-West company; and it is quite notorious that the whole must have been fed by that company, or could not have kept together. Finally, the letters from James Grant, of Fond du Lac, and from Alexander M'Donnell to Duncan Cameron, dated the 15th April and 22d June 1815, of which extracts have been proved before me. (Deposition, No. 167,) fully establish the charge to the extent now stated at least; the former containing these expressions, "your present popularity, both with whites and natives, in your "district, added to which, your vigilant penetration and general knowledge of men "and things, put it beyond a doubt with me, that notwithstanding his future unge-"nerous and diabolical intentions, that you will, as you have hitherto done, anticipate "his most violent measures, and put a final end to his republican colony, without "being under the disagreeable necessity of shedding blood; this at least is my "sincere wish for you:" and the latter, these following: "matters not being settled "more than when you left here, made it necessary that I remain longer than I am "inclined otherwise; I send off two boats for Bas-de-le-Riviere with some passen-"gers, an account of which is herein inclosed. Provisions are going fast; the "consequence will turn out most serious to us. Archibald M'Donnell is the acting "man for the colony; he is proud of being called the governor; he appears to "muster the appearance of a colony to support his rank; however, he and the half-"breeds must settle that point. Father Fidler and suite were disturbed this morning "by a salute of fire-arms; the half-breeds are going down for the last time, to hurry "them off. The salute of fire-arms above alluded to, is mentioned in several "depositions, but appears to have been merely for the purpose of creating alarm, "and to have been the last occasion when arms were used this season."

On the 28th June 1815.

All the colonial buildings were burnt down, consisting of four houses, forming what was called the fort, and five farm houses standing near the barn and stables; these last were also burnt at the same time, together with the mill; it appears also, that between the departure of Captain Miles M'Donnell, on the 21st June, and this date, all the settlers houses, to the number of about eighteen, had been burnt.

John

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

John M'Leod (Deposition, No. 144,) states, that on the 27th June he was informed by Cuthbert Grant and others, that they would come the next day and burn all the colony buildings, excepting one pointed out to him, and in which accordingly he put his goods. That the next day Grant, Shaw, Bostonois, Bonhomme, Montour, Charles Hesse, Michel Bourassa, François Deschamps, George Campbell and about sixty more men, Canadians, half-breeds and settlers (amongst whom, in a subsequent deposition, is mentioned Jean Baptiste Dermarrais) came over from the North-West company's post, of which Alexander M'Donnell was then in charge, and set fire to all the buildings. That the house in which he had placed his goods was burnt with the others, and that he was able to save from the flames only a part thereof, with eminent hazard to himself and men, and of that part many articles were stolen by the incendiaries; of these he more particularly specifies a gun stolen by Michael Bourassa, and a bag of clothes by François Deschamps before-mentioned. By other evidence it appears, however, probable, that this house either took fire accidentally, or was set on fire by some particular individual contrary to the general intent; for several witnesses (Depositions, No. 113, 147, 159, and 161) state, either from their own knowledge or from information, that the half-breeds exerted themselves to save the property; and one in fact deposes, that John M'Leod himself mentions this fact, as well as that the house intended to be left for him was burnt by accident. One witness has been brought before me, who deposes, that the burning of these houses was by the express order of Duncan Cameron, Alexander M'Donnell, John Dugald Cameron and John M'Donald; but as the charge is evidently unfounded as to the first, who did not arrive till after the houses were burnt, and had not been at the Red River for months before, and so improbable from various local circumstances, as to all the others except Alexander M'Donnell, little weight can be attached to the evidence. M'Donnell is however liable to great suspicions, from being at the post from whence the party sallied. The charge against Cameron has probably arisen from an order Jean Baptiste Desmarrais states Alexander M'Donnell to have given for the burning of the houses of the settlers; this order Duncan Cameron afterwards sent to recal, but his counter-order arrived too late. Martin Jordan, a witness on behalf of the Earl of Selkirk, who had his own house burnt down, states (Deposition, No. 147) that he has understood that the settlers houses were in many instances burnt at the desire of the owners, and that all had previously been deserted, except that of Alexander M'Lean, which was not burnt till four days after the others; and that before its being burnt, he was himself employed by some of the half-breeds to inform Mr. M'Lean, who was then confined to bed by his wounds, that he must leave the house, or they would burn it over his head; in consequence whereof he was moved to the government-house a few days before the colony was broken up. A bill of indictment for arson was found at Montreal, in March 1817, against George Campbell, Cuthbert Grant and William Shaw, as principals, and Duncan Cameron as accessary before the fact, in the burning of the public buildings of the colony, and Alexander M'Lean's house on the 28th June (with regard to which last there is evidently a mistake as to the date;) a similar indictment was also found in February last, against Desmarrais, Bostonois and two others as principals, and Alexander M'Donnell as accessary before the fact. The evidence on which these bills appears to have been found, has not been produced to me, but there is quite sufficient grounds for such a procedure against all but Duncan Cameron in the depositions filed; although as to the half-breeds in particular it may be doubtful how far the offence will ultimately be held in law to amount to arson; as in their proceedings against the settlers (however illegal and violent) they may probably have acted under a mistaken sense of right, inconsistent with the existence of a felonious intent.

(28th June 1815.)

The treaty entered into with them, by the representatives of the Hudson's Bay company, contains indeed an indirect relinquishment of property in the buildings in question.

As respects the partners of the North-West company, whatever doubt may exist as to their being accessaries to the present and other offences before the fact, there can be little or none of many of them having become so afterwards; for that the half-breeds who went down from Red River, were favourably received by the partners assembled at Fort William, is proved by various witnesses; as also that they were thanked publicly for the services rendered the company, a feast prepared for them, and a suit of clothes given to each, and swords to two (Bostonois and Antoine Houle) who are in the regular employment of the North-West company and chiefs of their own party. Amongst the partners present on this occasion at Fort William, the

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following only are named; viz. Simon M'Gillivray (of London,) Archibald N. M'Leod, Duncan Cameron, Alexander M'Donnell, Alexander M'Kenzie, Kenneth M'Kenzie and John M'Donald of Fort Dauphin, although probably many others were there at the time, as Daniel M'Kenzie acknowledges of himself in his letter before-mentioned. Some evidence has also been produced (Depositions, No. 140 and 284) of a speech made to the half-breeds by Simon M'Gillivray, saying, that they had done well to drive away the colonists, and to defend their lands; and that if the colonists attempted to return they should drive them away again, and would be supported by the North-West company. And one of the witnesses adds, that the said M'Gillivray did not tell them they might kill the colonists; but that Duncan Cameron, Alexander M'Donnell and Archibald Norman M'Leod have frequently told him, that if they could not otherwise drive away the colonists they might kill them. François Eno dit Delorme, in his deposition (No. 113) states also that he was present when Duncan Cameron and Alexander M'Donnell, before leaving Red River to go to Fort William, gave orders to prevent the return of the colonists; and that he has heard similar orders given at other times, and the Sourlt à la Biche (a Rapid) spoken of as a suitable place to sink their boats when coming up the river. The settlers and servants of the colony (admitted in the publication of both parties to have been about one hundred and thirty or forty in number) appear also to have received marked attention; and the presents of money made to different individuals who had been particularly active in promoting the views of the North-West company, as well as the purchase from others of various articles brought by them from the colony (a mode of securing their wages previously recommended by Duncan Cameron (Deposition, No. 127,) are established beyond a doubt by John Pritchard (Deposition, No. 123,) proving the hand-writing of different partners to a book of accounts, endorsed "The Red River and Colonial "Register, 1815," detailing the whole of the above proceedings, and which are also indirectly admitted by the North-West company in the charge they bring (Deposition, No. 151,) against the Earl of Selkirk, and James Stuart the barrister, of having seduced one of their clerks to purloin the aforesaid book from their country house.

On the 19th August 1815.

Colin Robertson arrived in Red River, accompanied by the colonists who had been driven off, together with about twenty clerks and servants.

It appears that this gentleman had come to Canada in the autumn of 1814, for the purpose of engaging clerks and canoe-men to proceed into the Indian territories, in the service of the Hudson's Bay company, an object for which he was well qualified from having been formerly, as is well known, a clerk to the North-West company: that in March 1815, he received a letter from the Earl of Selkirk, in reply to a communication he had made of his fears, that the destruction of the colony would be attempted by the Indians, at the instigation of the North-West company; a copy of which letter he has attested (Deposition, No. 167,) and which states in substance the law opinions in support of the Hudson's Bay company's rights of jurisdiction, and that the Act of the 43d Geo. III, cap. 138, does not apply to their territories, which have since been published at length, and filed before me (Paper No. 411,): that in May following, he determined to proceed to t' interior with the persons he had engaged, intending to return to England by way of Hudson's Bay: that in the course of his journey to Lake Winipic, he was informed of the destruction of the colony, and proceeded to Red River, for the purpose of obtaining further information: that he there learnt from various half-breeds and freemen whose names he mentions, that the settlers had been driven away at the instigation of the North-West company: that some of the half-breeds showed the horses taken from the colony, which had been given to them; and others spoke of the rewards which they expected, whilst some of the freemen mentioned the offers which they had refused: that having afterwards proceeded to Jack river, and delivered over his party to Mr. Thomas Thomas, the governor of the northern department of Hudson's Bay, he was prevailed upon by the solicitations of several of the settlers, joined to the request of Mr. Thomas, (signified by letter which he attests) to conduct the settlers back to Red River. Respecting these latter the evidence is contradictory, Pritchard (Deposition, No. 187,) stating that they joyfully accepted the proposal; and Pambrun (No. 173) that many of them made great difficulties.

On the 15th October 1815.

Duncan Cameron and Seraphim Lamar, were attacked whilst riding upon the plains, by Alexander M'Lean, John P. Bourke, Michael Heyden, and another. Seraphim Lamar states (Deposition, No. 161,) that this was done without provocation; Heyden presenting a pistol at him, whilst Bourke gave Mr. Cameron some blows with a horse-whip,

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; vis. Mr. Coltman's Report, &c.

(15th Oct. 1815.)

whip, saying to him something which Lamar did not hear; after which both were made prisoners, and taken before Colin Robertson. It appears (Deposition, No. 113,) that from the first arrival of Robertson some jealousy had been shown as to his intentions by Lamar, the clerk then in charge of the North-West post at the Forks, and (Depositions, No. 161 and 167) that after the arrival of Duncan Cameron and Alexander M'Donnell, about the 13th September, to take charge of their respective posts at the Forks and Qui Appelle, feelings of a similar nature were much increased on both sides, by contests in engaging hunters, and relative to dogs, horses, &c. of which latter it is expressly stated, (Deposition, No. 161,) that those formerly belonging to the colony had been restored on demand. Colin Robertson states however, (Deposition, No. 167,) that these feelings were on his part nearly removed by the assurances of Alexander M'Donnell, of his regret for what had taken place the preceding spring; and his wish that a good understanding might exist between the colonists and themselves; until he received information of an attack being threatened against the Hudson Bay company's post at Qui Apelle, the principal station for collecting provisions; whereupon he thought that the only chance of self-preservation, was to take possession of the North-West post at the Forks, wherein there was still a considerable quantity of the arms taken from the colony the preceding spring, and to keep Cameron in custody till security should be given, that no further injury should be attempted against the colony, nor the provision-post molested; that it was not, however, his intention to have carried this measure into immediate execution, had it not been for the accidental seizure of Cameron and Lamar, on account of a private quarrel; but that fearing to miss the opportunity, on Cameron's arriving at Fort Douglas, and demanding to be set at liberty, he told him that the arms and artillery taken from the colony in the spring, must first be restored: that Cameron agreed to deliver up such of the arms as were in his possession, and acknowledged that a part of the muskets had been sent into the interior; and further declared, the artillery to be out of his reach: that thereupon Mr. Alexander M'Lean, and twelve men, were sent with Lamar to receive the same, and had also orders from him (Robertson) to take and keep possession of the North-West post, till he should receive from Cameron sufficient assurances for the security of the colonists; and the same was accordingly retained about two days: that Cameron was then set at liberty, and the post restored with the property therein, as he believes, in the same state as when taken, except the arms delivered to M'Lean; Cameron having during his confinement, dispatched messengers to Alexander M'Donnell at Qui Appelle, to refrain from any attack, and promised not to attempt to seduce the settlers, or injure the settlement directly or indirectly.

John Pritchard (Deposition, No. 187,) states these proceedings were partly adopted in consequence of a menacing speech made by Cameron to the Indians; and this fact is further confirmed by an intercepted letter of Robertson's (Deposition, No. 152, marked Q.) which states several particulars of the affair omitted in his deposition; particularly his threats of sending Cameron and Lamar off to Hudson's Bay, and his publicly reprimanding them before two Indians, evidently present for the purpose.

These omissions, together with the tone of the present and his other intercepted letters (Deposition, No. 152,) have produced some doubt on my mind, whether Robertson acted in this case merely on principles of self-defence, or whether he did not rather take advantage of circumstances to justify his adoption of a measure, which one witness (Deposition, No. 159,) states him afterwards to have declared, to be "absolutely necessary to revive the courage of his own people, and to re-establish "their influence amongst the free Canadians, half-breeds, and Indians;" and those doubts are rather strengthened by reference to the deposition of John Richards M'Kay, the clerk in charge for the Hudson's Bay company at Qui Appelle, (No. 169,) whose letter respecting the threatened attack on his post is stated by Robertson, who attests the same at length, to have caused his first alarm; and to that of Louis Nolin (No. 210,) who interpreted the report of the Indians relative to the speech of Duncan Cameron; by the former of these, exclusive of the same fact being stated at length in a letter from Alexander M'Donnell to Robertson, which has been proved before me (Deposition, No. 165, marked F.) it appears, that the dispute at Qui Appelle originated as to the site whereon the Hudson's Bay post, which had been burnt the year before (by what means does not appear, but no charge is made of its having been done purposely) should be rebuilt; and by the latter, that the interpreter himself attached but little importance to what the Indians stated, as it had arisen on an application

Inclosure in Sir J. C. Sherbrooke's, of 30th July 1818; viz. Mr. Coltman's Report, &c.

(15th Oct. 1815.)

application made by them to Cameron for liquor, of which they had previously received a supply from the colony. The probability is, that Robertson was actuated by a variety of motives predominating in his mind according to circumstances, of which sometimes one and sometimes another might naturally be mentioned by him as the causes of particular proceedings. Nolin further states, that M'Lean and Bourke had been laughing and talking with Robertson, immediately previous to their attack on Cameron and Lamar; and it is proved by other evidence (Depositions, No. 159 and 161,) that besides the colony arms, two small cannon and some guns, the property of the North-West company, were taken away, which Robertson stated his people would not allow him to return according to agreement. Some variations appear in the different depositions as to the terms of the agreement entered into with Cameron, which do not seem to have been very clearly explained.

On the whole, the impression on my mind respecting Robertson, is, that convinced of the superior rights of the Hudson's Bay company, and of the illegal and unjustifiable proceedings of the North-West company, he has with the natural feelings of a partizan, omitted to give even their fair weight to those circumstances which are urged by the North-West company in justification of some, and apology for other parts of their proceeding; and that considering the re-establishment of the colony not only as justifiable, but in him a meritorious service, he felt warranted in adopting for that purpose, such measures as appeared to him dictated by necessity, "at a dis-"tance (as he states) from the protection of law, and exposed to the attacks of a "violent enemy, whose criminal views had already been disclosed." In the prosecution of these objects he seems to have had particularly in view, to guard against the effects of that violent spirit, which has been already mentioned as influencing the North-West party; and in some instances to have allowed, perhaps from this very cause, his own actions to be guided by a similar spirit.

On the 3d November 1815.

Mr. Robert Semple arrived in Red River as governor in chief of the Hudson's Bay territories, accompanied by a Mr. Alexander M'Donnell, sheriff to the settlement, in charge of about one hundred and sixty persons, a few of them servants, but the greater part settlers, with their families from Scotland, and by Mr. James Sutherland, in charge of supplies for the Hudson's Bay trading posts. It appears from the publications of the respective parties, that this gentleman had been appointed in consequence of resolutions entered into by the Hudson's Bay company at a general meeting on the 19th May preceding, for the purpose of enforcing their rights of jurisdiction, and from his subsequent proceedings he seems to have been equally, if not more deeply impressed with the rights of that company, and the gross criminality and total want of excuse for the conduct of their opponents, than even Robertson himself; from his correspondence (Depositions, No. 167, 177 & 179,) it is evident he was a man of considerable talents and attainments, although his language is often far from being conciliatory, particularly as addressed to persons by whom, whatever his own sentiments might be, he could scarcely be ignorant that very different opinions were entertained on the subjects in contest; he appears also for the most part to have looked for the justification of his proceedings, rather to a general sense of natural justice combined with some reference to the chartered rights of the Hudson's Bay company, than to any acknowledged principles of law; and it is accordingly stated by Robertson, that he expressed his approbation of what he had done, excepting that he thought that Cameron should have been detained in custody as his sincerity could not be depended upon.

On the 17th March 1816

The North-West company's post at the forks of Red River was again forcibly seized by Colin Robertson, who is stated (Depositions, Nos. 161 & 180,) to have entered the same at the head of an armed party, consisting of Alexander M'Lean, John P. Bourke, Michael Haydon, Martin Jordan, and several others, to have immediately collared Cameron, and taken away his personal arms, and to have made prisoners of him, Seraphim Lamar, John Siveright, and Joseph Laurent, clerks of the North-West company, whilst Bourke collected and carried off the papers found in Cameron's desk and on the table.

It is further stated, that Robertson the next day informed Siveright that he was going to send off three men to intercept the North-West express, and desired him to propose to Cameron, that if he would promise not to take any means to prevent the express coming in, the letters addressed to himself alone, should be opened, and the others allowed to proceed, to which Cameron, from the necessity of the case agreed; that Cameron then desired that the post might be given up, and the trade allowed to go on,

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

on, which Robertson refused, saying it was the key of the Red River, and that he was determined to keep it at all events; and that accordingly during that and the next day he caused a quantity of small arms and pieces of cannon to be brought over; that on the 19th March the North-West express arrived, when Robertson opened in Siveright's presence, six or more letters addressed to Cameron, and one to Lamar, and retained all the remainder (about one hundred,) excepting three addressed to Siveright himself, and that the next day this latter was liberated and allowed to proceed to Qui Appelle. It is further stated (Depositions, No. 159 and 182,) that after the taking of the post, Robertson declared he had succeeded beyond his expectations, as well in getting possession of the fort without bloodshed, as in having found papers therein which would justify all he had done; and that after the capture of the express he further said, that he was now in possession of such documents, and so completely master of the secrets of the North-West company, that he should be able to bring them to what terms he pleased in the coalition which must take place, to prevent the ruin of both companies; and lastly, that he declared he would fortify the post, and sink all the boats and pemican that Alexander M'Donnell of the North-West company might bring down, should he venture to make the trial.

(17th March 1816)

Colin Robertson, on his part, states, that he was left in charge of the colony by Governor Semple, who, on the 19th December set out on a tour to inspect the Hudson's Bay posts in the neighbourhood, wherein he was occupied for upwards of three months; that in January credible information was given to him, that Cameron had asserted, that the half-breeds were again to be assembled from as great a distance as Fort des Prairies, and would be joined by Cree and Assiniboine Indians, to drive away the colonists; that reports of the same kind having much alarmed these latter, he went, towards the beginning of February, in company with two of them, to Cameron's post, and expostulated with him on the impropriety of exciting alarms in the minds of the settlers, contrary to his previous engagements; to which Cameron replied, that the report did not originate with him; that he wished well to the settlers, and was shortly going to Qui Appelle, and would endeavour to bring Alexander M'Donnell to his own peaceable views; that Cameron did soon afterwards set off for Qui Appelle, and he (Robertson) for Pembina, where he found the conduct of the free Canadians and half-breeds quite changed from what it had been in the autumn; and that reports were prevalent of a great assemblage of Indians and half-breeds, from various and distant posts of the North-West company, to drive off the colonists, and punish those who had assisted them; that finding it impossible to dissipate the impressions made by these reports, both on the freemen and colonists, he hastened back to Fort Douglas, and thence addressed Mr. Semple respecting the state of affairs; that he received from him, on the 10th March, a letter, written previous to the receipt of his, and dated Brandon House, the 5th of the same month, of which he attests a long extract, (Deposition, N° 167, page 9,) detailing different hostile proceedings attributed by him to Cameron, particularly an insolent letter written by Cuthbert Grant to John R. M'Kay before-mentioned, his brother-in-law, calling upon him to deny having ever heard him (Grant) make an apology or express any regret for the part he had taken last year at the Forks, stating his own opinion, that Cameron, in his intercourse with him (Robertson,) had been endeavouring to amuse him with fine words, whilst extracting from his most casual expressions, the materials for future mischief, and mentioning the strongest apprehensions of attempts on the part of the North-West company, to induce the Indians to prevent their bringing out their provisions from Qui Appelle; that about the period this letter was received, Cameron returned from Qui Appelle, assumed an air of authority, and was generally seen dressed in regimentals; that the colonists gave information of his endeavours to induce them to leave the country, by the offer of a free passage to Canada, and of his remarking, he had driven them away once, and would do so again; that about the 13th March, a number of the North-West servants began to assemble at the Forks, some from Manitaboo, others from Bas de la Rivière, under one Laurent, and others from Qui Appelle, under Fraser the half-breed; that menaces and reports of intended injuries by the North-West company became more frequent and alarming, and that in consequence, he wrote to Governor Semple, suggesting the necessity, for their safety, of again taking possession of the North-West post; that immediately after dispatching this letter, he learnt that Fraser had gone to Pembina, with the intention of bringing down the half-breeds from that quarter in the spring, and that more half-breeds and other servants continually arriving at the post, he thought unless he acted immediately, he might not be able to succeed, therefore without waiting a

Inclosure in Sir J. C. Sherbrooke's, of 30th July 1818; viz. Mr. Coltman's Report, &c.

(17th March 1816.)

reply from Governor Semple, he again took possession of the post, and placed Cameron in custody.

In his further details of the capture, both of the post and subsequently of the express, there is not much variation from the statements on behalf of the North-West company, excepting that he mentions, that the place being taken by surprize, he found, on entering Cameron's room, an open letter, in his hand-writing, to James Grant of Fond-du-Lac, a copy of which has been filed before me (Deposition, No. 168, letter I,) in which Cameron expresses a wish, that Grant would send his Pilleurs, a band of Indians in that neighbourhood, to Red River, as they would find plenty of pillage, if they went cunningly to work; the sight of which, he says, induced him to seize the whole of the papers; and that with regard to the express, his promise of letting it proceed was conditional, provided the letters to be opened contained no mention of plans against the colony. In further justification of his proceedings, Mr. Robertson naturally dwells much upon the contents of the letters intercepted by him, whereof he attests large extracts (Deposition, No. 167,) copies of many of which have been proved at length (Depositions, No. 168 and 240,) relative to the affairs both of 1815 and 1816.

In regard to those of the former year, reference has already been made thereto, in stating the transactions of that period, as proving that the influence possessed by the North-West company over the half-breeds was deliberately used by the partners on Red River, to effect the expulsion of the colonists; and those respecting the latter, are chiefly remarkable for the undisguised expressions of a most violent and hostile spirit on the part of the writers, Cuthbert Grant and Alexander M^c^ Donnell, joined to an open avowal by the former of a resolution again to expel the colonists, and a scarcely attempted concealment by the latter of his participation in, and instigation of the design; a knowledge of which is directly confessed in the following terms:—"Our complete annihilation from this river is in contemplation by Robert-"son, and his annihilation by the half-breeds." By an extract from one of his letters, it appears however, that no preconcerted plan could have been formed on this subject by the partners at large, as writing on the 13th March 1816, to the agents and proprietors of the company, he says, "contrary to our expectations, "that hero, Colin Robertson, brought back in the course of last summer, the "settlers who left this river with an intention of visiting their own country."

Robertson dwells also much upon the gross deceptions Cameron attempted to practise upon him, by assurances of his pacific and friendly intentions, whilst actually a party to plans of the most determined hostility; in proof of this he refers to a letter from Alexander Fraser, dated 28th January 1816, found amongst Cameron's papers, wherein Fraser requested him (Cameron) to visit Qui Appelle, as his presence would have material weight with regard to the rendezvous of his (Fraser's) countrymen; which rendezvous Robertson refers to have been the object of Cameron's journey to Qui Appelle, when he stated he was going to bring Alexander M^c^ Donnell to his own peaceable views, and in further confirmation of this opinion, he refers to a joint letter of Cameron and M^c^ Donnell (Deposition, N° 168, marked H.) written at the period of this visit to the North-West partners at Fort des Prairies and elsewhere, wherein they say, "the spirit of our people, especially the half-"breeds will require to be roused, and we think the appearance of a few of their "colour from the nearest posts, would again have the desired effect." Of the circumstances, as well as the terms, in which the assurances before-mentioned were given by Cameron, Mr. Robertson however has produced no evidence except his own, and the opinion of Mr. Semple; and consequently without any impeachment of their sincerity, some allowance is to be made for the natural prejudices entertained by them, particularly as Cameron has as yet had no opportunity of being heard on his part.

That in the respective situations of the parties, mutual deception would frequently be attempted, there can be little doubt; and that Robertson had himself views, even at an early date, beyond what he publickly acknowledged, appears evident by his letter to John Pritchard, of 18th December 1815, wherein he says, "I have "physical force sufficient to punish these rascals, but I would not willingly have "recourse to hostile measures in the present infant state of the colony; indeed "I am by no means inclined to ride with too much authority, till I am firmly seated "in my saddle." Whilst at the same time, the general spirit of his correspondence (Deposition, N° 152,) and that of Mr. Semple and the other officers of the colony

(Deposition,

(Deposition, N° 179,) especially the letters of John Rodgers and E. Holte, evince a spirit of violence and hostility to have pervaded the whole party; as on the other hand, the declarations which Nolin, the Hudson's Bay company's interpreter at Red River (Deposition, N° 210,) states to have been made to him by Bostonois and Lamar, show a similar spirit to have been early entertained on the other side; the former of these having mentioned, "that Cameron very shortly after his arrival, "had remarked that it would be easy to drive away the colonists whilst weak; on "which he himself had said, that it would not be proper to attempt it, as the colo- "nists had done nothing to them, and that they should be always in time to drive "them away when they pleased;" and Lamar on occasion of a visit made by Nolin some time after the assault on him on New Year's day (detailed in Rodger's letter, and for which an apology had been made by Mr. Robertson,) having told him that he had just received a letter from Fraser, the half-breed, saying, "that he is the fifth "to command the half-breeds, and that if the least further insult is offered to me, "he is ready to come down and chastise the colonists."

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c. (17th March 1816.)

In a previous deposition by Nolin before the Earl of Selkirk (No. 209,) inserted in the printed "Statement," there is a material difference in respect to the terms of these communications; this latter deposition was not however before me, when examining Nolin, so as to question him respecting this difference; and having been at all times myself very careful to take down the words used by witnesses, I have thought it right in all doubtful cases to rely principally upon the depositions as taken by myself.

On the complaints of the North-West company in the present case, three bills of indictment have been found at Montreal against Robertson, Bourke and Haydon; one in September 1816, for stealing the papers and private property of Cameron, and the others in March last, for stealing the property of the North-West company, and for riot and false imprisonment of Duncan Cameron and others.

The North-West establishment at Pembina, was forcibly entered about eight o'clock at night by Alexander M'Donnell, the colony Sheriff, John Pritchard, John M'Leod, and others. Bostonois, who was in charge thereof, was made prisoner, together with Fraser, Hesse and Cotonaha, three half-breeds, the keys of the store seized, and all the arms and ammunition carried away. It further appears, that the third day, Bostonois was brought to the post, and asked to whom he wished the keys of the store to be given, to which he replied, that they had been forcibly taken from him contrary to all law, and he would agree to nothing; that in consequence, an inventory of the goods was made, and they were removed to the colony store at Pembina; that Bostonois and the other half-breeds were sent down prisoners to Fort Douglas, and that some time afterwards the goods were also sent down there, in consequence of a letter from Governor Semple to Pritchard, stating that the North-West company having taken the property of the Hudson's Bay company in Peace River, "they must try to have a few things to balance the account."

On or about the 19th March 1816.

The clerks and most of the servants of the North-West company quitted the post at the forks of Red River; it being stated in the deposition of Seraphim Lamar (No. 161,) the principal clerk of the post, that Colin Robertson retained possession of the stores and buildings, and allowed no one at the post to attend to the affairs of the company; and in Siveright's (No. 159,) that having returned from Qui Appelle with letters from Alexander M'Donnell, demanding the peaceable restitution of the post, and the same being refused, he went to his own post at White River.

On the 10th April 1816.

Colin Robertson states however in his deposition (No. 167,) that he had sometime before returned to Lamar the North-West company's books, and informed the Indians that they must pay their debts faithfully, that the trade also was allowed to go on, Lamar being in charge of all the property except the spirits and ammunition, of which he feared an improper use might be made; that on Siveright's arrival with M'Donnell's letter, he renewed the offers of allowing the trade to be carried on either at the North-West post, or that the property, with the exception of the spirits and ammunition, might be removed to the house of a neighbouring free Canadian; the delivery of the post itself he however admits was refused, as inconsistent with the safety of the colony, and that in consequence Siveright, after making out an inventory of the property, and delivering it to him, left the place with many of the servants, and Seraphim Lamar states, that he also went away about the same time.

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

The apparent contradiction between this last witness and Robertson, may probably arise from his considering the offers made so inadmissible as to amount to a total denial, which indeed appears by the deposition of Nolin (No. 210,) to have been practically the effect, except as to the collection of debts.

(10th April 1816.)

The continued resolution of keeping possession of the North-West post (which was again shown on a subsequent application in May, although the question was not then brought so absolutely to the point,) is urged by that company as a strong evidence of that spirit of aggression on the opposite party, which called forth the measures of defence adopted by them; and it certainly does go very far to impress upon my mind a persuasion, that the seizure of the post was not a mere defensive measure, but part of a system for giving effect to the intended exercise of the exclusive territorial rights of the Hudson's Bay company; a persuasion which has been further confirmed by observing, that Governor Semple, in a letter to the agents and proprietors of the North-West company, written shortly before his death, a copy of which is attested by Robertson (Deposition, No. 167,) speaking of this measure, says, "a regular "notice to quit the Forks, the focus of so much mischief, had been delivered in "October 1814, by Mr. Peter Fidler, and treated with contempt; it became neces- "sary to have recourse to legal force, and bring the question to issue, whether the "Hudson's Bay company are to be allowed a right over their own territories." That the Earl of Selkirk, in a letter to Colin Robertson, from Montreal, 30th March 1816 (Deposition, No. 280, marked R.) says, "there can be no doubt that the North-West "company must be compelled to quit all their intrusive possessions upon my lands, "and especially the post at the Forks; but as it will no doubt be necessary to use "force for this purpose, I am anxious that this should be done in a regular manner, "under a legal warrant from the Governor, so that there may be no ground for "charging us with acts of illegal violence, similar to the conduct of the North-West "company;" and in a subsequent part of the letter, Lord Selkirk gives the plan and site of a village, to be built in the event of the North-West post being actually in his possession; that Captain D'Orsonnens, in his deposition, No. 286, and his agreement of October 1816, with J. A. Dease, for the surrender of the post at Lac la Pluie, which has been proved before me (Deposition, 273,) speaks of an intended notice from Miles M'Donnell, to quit that post at the end of six months, as a legal order which he evidently meant to enforce; and lastly, that it is attested by Siveright (Deposition, No. 159,) that he heard Robertson declare, "That it was the intention "of the Hudson's Bay company to act up to the authority of their charter, and in "virtue thereof to take possession of every North-West post established within, "what they conceived, their limits; and thereby to cut off the communications "between Fort William and the countries beyond Lake Winnipic, that this might "produce a law suit, which would require a long time to decide; but, that in the "mean time the Hudson's Bay company would keep possession, and that at all "events they could lay the blame of whatever might occur on their charter:" and by Loucisse (Deposition, No. 219,) that Robertson, speaking of the capture of the North-West post, said he had done nothing but in conformity to his orders: it is true Colin Robertson denies, towards the close of his deposition, (No. 167,) having made use of such expressions, or having any knowledge of such orders; but he allows that he may have stated such proceedings to be what he would advise; and the terms of his denial are not inconsistent with the fact of a general knowledge of the designs and wishes of his employers, of which it is scarcely possible to conceive him ignorant.

It appears to me also, not very probable, that persons of the known talents and general information of the Earl of Selkirk and Governor Semple, could really suppose, even allowing the rights of territory and jurisdiction claimed by the Hudson's Bay company to be vested in that body, that a non-compliance with notices, such as those issued by Miles M'Donnell could legally authorize (under any warrant from their governors) an attempt to give effect to them by force, particularly as the right of appeal to the Privy Council from the judgments of their courts, when exercised with every proper legal form, has at no time been denied; and should it even be supposed that such an opinion could ever have been *bonâ fide* entertained, the proceeding to act thereupon without due legal advice (for it is impossible to suppose any such can have been obtained for conduct so opposite to the circumspection recommended by the printed opinions,) in enforcing the judgment, even of their courts, evinces such a blameable carelessness as to consequences, on a subject likely to endanger both the peace of the country and the lives of individuals, as to make but little

little difference in the merits of the question, otherwise than as it may materially vary the legal consequences, should the imputed conspiracy, or any other criminal charge, be brought before a court.

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

Pierre Chrysoloque Pambrun, a clerk of the Hudson's Bay company, formerly a lieutenant in the Voltiguer regiment, was sent by Governor Semple to Qui Appelle, at the head of an armed party. It is stated by the North-West company, that this force was intended to take their post at Qui Appelle, and seize Alexander M'Donnell; and some grounds for the opinion seem to have existed, from the letter of E. Holte (Deposition, No. 179, marked C.) and from a declaration stated by Lamar (Deposition, No. 161,) to have been made to him by Pambrun; but the instructions from Governor Semple to this latter, of which he has attested a copy (Depositions, Nos. 172 and 173,) seem clearly to show that the measures in contemplation were chiefly defensive.

On the 12th April 1816.

James Sutherland, P. C. Pambrun, and twenty-two men, in the service of the Hudson's Bay company, in charge of five boats, containing twenty-two packs of furs, and about six hundred bags of pemican, whilst embarrassed in the rapids of the river Qui Appelle, were attacked by a party of about forty-nine persons, under the command of Cuthbert Grant, Thomas M'Kay, Roderick M'Kenzie, and Bostonois, clerks or interpreters, and Brisebois, a guide in the service of the North-West company; the property seized, and themselves made prisoners, and taken to the North-West company's post, where Alexander M'Donnell avowed what had been done to be by his orders. On this charge a bill of indictment was found in February last, at Montreal, against Cuthbert Grant, and seven others as principals, and against Alexander M'Donnell, as accessary before the fact. Colin Robertson, in his deposition, attributes some importance to the circumstance of this event having occurred within three days after Alexander M'Donnell had dispatched his last propositions for a peaceable arrangement; but the following extract from a letter of Mr. Sutherland's, inserted in Peter Fidler's journal (Deposition, No. 164,) removes in a great degree the apparent charge of duplicity.

On the 8th May 1816.

" This has solely occurred through Mr. Robertson's having liberated Bostonois, " who arrived the night previous to the attack, with horrid accounts from the Forks; " had he not arrived, we should have passed down the river without molestation." An account which certainly appears more probable, than that M'Donnell, if he had previously intended the seizure, should have allowed the provisions to depart at all; and should in his letter to Robertson (Deposition, No. 177, marked E.) have taken credit for the same as a proof of his peaceable views, when the reverse must have appeared before any advantage could have been derived from the attempted imposition: the charge against Bostonois, however, appears aggravated by this circumstance, as it is stated by Robertson, that Bostonois before being liberated, solemnly promised, that he would not disturb the tranquillity, or attempt to injure the interests of the colony; a promise which appears also to have been given in very strong terms by Alexander Fraser in a letter, a copy of which Robertson has attested (Deposition, No. 167.) The promise of Bostonois, who was kept prisoner after Fraser, appears, however, as stated by Louis Nolin (Deposition, No. 210,) to have been simply not to attack the colony. On this point, however, Nolin does not go much into detail.

Duncan Cameron was sent off as a prisoner to Hudson's Bay, under the charge of John M'Leod.

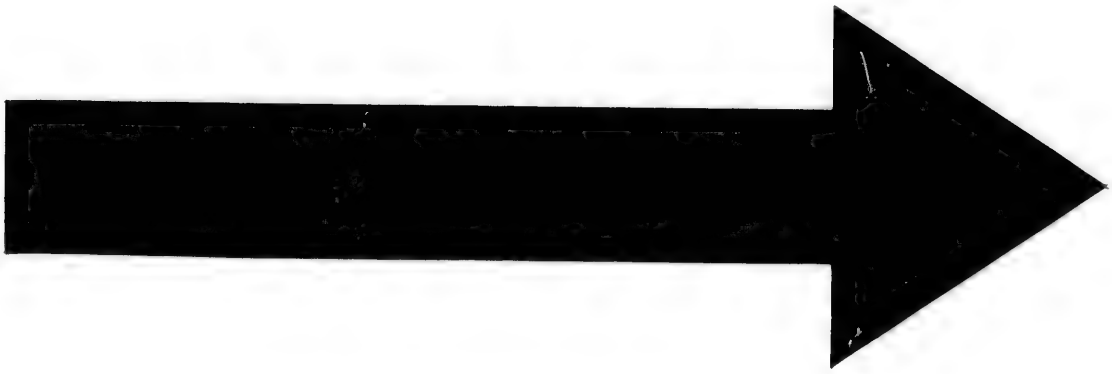
On the 18th May 1816.

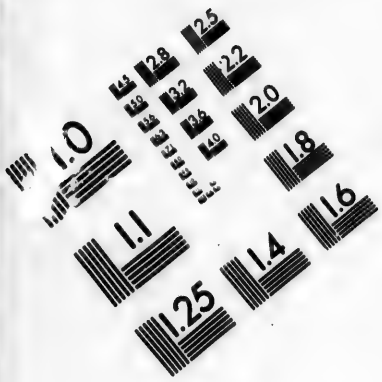
The furs taken at the North-West post at the Forks, consisting of about forty packs, were embarked in three canoes which had been taken with the post, and sent off to Hudson's Bay, under charge of Mr. James Sutherland.

On the 31st May 1816.

The Hudson's Bay company's post of Brandon House, on river La Souris, was plundered by a party dispatched by Alexander M'Donnell, consisting of Cuthbert Grant, Alexander Fraser, Louis Laserpe, Bonhomme Montour, Thomas M'Kay, Antoine Houle, and about twenty others. On this occasion it has been reported, that a good deal of private pillage took place, and Joseph Pelletier dit Assiniboine, who was present at the time, states (Deposition, No. 149,) that Louis Laserpe was the ring-leader, and distributed to the party all the property found at the post, except the furs, tobacco and ammunition, which were reserved for the North-West company. Pembrun also (Deposition, No. 194) states, that he saw Bonhomme Montour divide part of the property taken. On this charge, an indictment was found in February last,

On or about the 1st June 1816.

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Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

On the 10th June 1816.

last, at Montreal, against Cuthbert Grant and six others, as principals, and against Alexander M^c^Donnell, as accessary before the fact.

Governor Semple gave orders to take down the North-West company's post at the forks of Red River; which it appears (Depositions, No. 182, 219, 222 and 223) were immediately carried into execution under his orders, and those of Robertson, Bourke and Nolin; that all the best of the timber was rafted and carried down to Fort Douglas, and one bastion, and the remainder of the timber burnt. By the adoption of this measure, Governor Semple appears finally to have put an end to all probable prospect of an amicable settlement (for the overtures of Alexander M^c^Donnell had always been founded on a supposition of the post being restored,) and thereby to have practically determined on the assertion, in this instance, of the Hudson's Bay company's territorial rights, trusting at the same time to his physical force for the protection of the colony; such a determination appears indeed quite consistent with the hostile preparations witnessed by, and the tone of defiance used towards Siveright, and still more towards Lamar, the persons whom Mr. Alexander M^c^Donnell had sent with his propositions, as stated in their Depositions (No. 159 and 161;) these statements, although to be received with some caution, as those of parties interested, are yet so far conformable to the tenor of Semple's own correspondence, as to appear entitled to some consideration, and are further confirmed by the deposition of François Eno dit De Lorme, an interpreter in the service of the colony (No. 113,) who states that previous to the arrival of the half-breeds "he had been "consulted by the Governor as to the conduct he ought to pursue, and had warned him "he would have little chance on the plains, although he was strong whilst he remained "at home, and in opposition to Mr. Pritchard, who asserted that fifty English were "equal to two hundred half-breeds, had said, that on the contrary, fifty half-breeds in "the plains, would kill two hundred English;" and further adds, that after the battle he remarked to Mr. Bourke and Mr. Pritchard, who had been the most eager for going out to meet the half-breeds, that they would have done better to have followed his advice, to which Pritchard replied, "that it would have been an honour to them "had they succeeded." The great alarm universally allowed to have pervaded the settlers, and which was evidently shown in their burying their property, as stated in various depositions (Nos. 198, 199, 200 & 207,) further shows the general conviction, that hostilities were nearly inevitable. On this charge a bill of indictment has been found at Montreal, in February last, against Colin Robertson and four other persons, for riot and destroying houses. With regard to the persons present at the burning of the remains of the fort, there is some contradiction; two witnesses (Depositions, No. 182 and 219) stating that Governor Semple was there at the time, and another (Deposition, No. 113,) that he had heard him forbid the burning. Robertson, no one states to have been present, and by his own deposition (No. 167,) it appears he left the forks of Red River the 11th June, the day after the orders had been given to take down the post, as although he entirely approved of the measure, he was unwilling to remove to Fort Douglas, as it might lead to the renewal of discussions which he had already had with Governor Semple, respecting the proper mode of defending the colony. When arrived at Lac Winnipic, he however returned to within a few miles of the settlement, and sent a letter offering his services to Governor Semple, if they should be thought useful; they were however declined. The final cause of disagreement he states to have been, his urging that the settlers should be called from their lands to the fort, a measure which Governor Semple deemed unnecessary. It appears also by his deposition, that on many previous occasions he had thought Governor Semple by no means sufficiently decisive in his proceedings against the North-West company; for although after his return to Fort Douglas, he signified by letter, his approval of the capture of the North-West post at the Forks, and of the intercepting of their express, yet he delayed sending off Cameron, or adopting the precautionary measures of taking down one or other of the posts, and collecting the people about the one to be left, although strongly urged by himself; and that Cameron was not finally sent off till after they burnt the capture of Mr. Sutherland, with the furs and provisions, nor the North-West post taken down, till they had received information of the capture of Brandon House. It might indeed be inferred from these circumstances, and the declaration which Cuthbert Grant (Deposition, No. 216) states, that Mr. Semple made to him when wounded, of his not having been present at, nor ordered the capture of either of the North-West posts, or of their express; that he had never cordially approved of Robertson's proceedings, although publicly justified by him.

Moustouche

Moustouche Boutino, a half-breed, arrived at Fort Douglas with intelligence that the party of half-breeds was arrived at Portage de Prairies with Alexander M'Donnell, and would be down in two days to attack them, and talked of nothing but taking the fort, and making the Governor prisoner. Moustouche, in his deposition (No. 204) translated by Joseph Pelletier dit Assiniboine, he himself not speaking French, states, that having heard Captain Bourassa declare, that in case the colonists came to attack them they must fire upon them; he not being in the service of the North-West company, and not wishing to take arms on either side, left the party to come down and join his family at the Grenouilliere, although Grant did every thing in his power to engage him to remain with and assist them in making the colonists prisoners; and that in passing the fort he informed the colonists, that the half-breeds were coming down to attack them; and Nolin, the Hudson's Bay interpreter, also a half-breed, in his deposition states (No. 210) what passed nearly in similar terms, with the addition, that Moustouche mentioned, that having been cured by the doctor of the colony of a wound, when neglected by his former masters, he thought it his duty to offer them his services if attacked. Nolin further adds, that he received private advice from the half-breeds, by Moustouche and some Indians, warning him not to join in any affair with the colonists, for if he did he would not be better off than another, as they were resolved to take the fort and the Governor, and to drive away the colonists; and that as to Robertson, they would cut him in pieces. In the course of the day that Moustouche arrived, two Sauteur chiefs, with about ten other Indians, came to offer their services to Governor Semple in case the colonists should be attacked; adding, that they believed all the other Indians entertained similar sentiments; to this offer Nolin states, that Governor Semple replied with thanks, but expressed his hopes, that things would not come to such an extremity; and declared, that in any event he could not accept their services, being of opinion that he ought not to induce the Indians to take any share in the disputes of the Whites, and therefore begged them to remain quiet; after which he made them a present. John Pritchard states, in his deposition (No. 187,) that the Indians expressed great regret at the Governor's rejecting their assistance, and the next morning returned again, stating their fears that the colonists would be driven off, and requesting, lest such an event should happen, to give them some ammunition for the support of their families; that he replied, he did not fear those who were coming to attack them, but as nothing was certain in this world, he would order them a sufficiency of ammunition for the summer. In consequence of the information received this day, an order was issued, that the colonists should come in and sleep at the fort every night.

On the 17th June 1816.

Alexander M'Donnell dispatched from Portage des Prairies, an armed party of sixty to seventy men, for the purpose of escorting to the Grenouilliere two carts with twenty bags of pemican; this party was commanded by Cuthbert Grant, under whom Bourassa and Antoine Houle acted as captains, and consisted of four Indians, six Canadians, and the remainder half-breeds; the orders given them by M'Donnell appear, by a concurrence of evidence (Depositions No. 161, 203, 204, 205, 206, 208, 215, 220, and 221,) to have been to pass in the plains as far distant as possible from Fort Douglas, to avoid making any attack, or causing alarm, and to wait at the Grenouillière the arrival of the canoes from Montreal, for whose use the provisions were sent, but that in case of being attacked, they might defend themselves. P. C. Pambrun, who was at the time a prisoner at Portage des Prairies, in his depositions (No. 172 and 173) states positively, that this party was sent to attack the colony, and that he was told so by Alexander Fraser, Thomas M'Kay, Hesse, and others of the party; there can, however, scarcely be a doubt that this information related to an attack contemplated at a subsequent period, probably after communication with the canoes from Montreal, for that some, although not an immediate attack was intended, there can be little or no doubt. Pambrun states, that on his first being taken a prisoner to the North-West post at Qui Appelle, M'Donnell declared it was his intention to compel the colonists to surrender by famine, and that it was with this view he had taken Sutherland's provisions; that on the way down he further stated, that the business of last year was but a trifle in comparison with what would take place the present one, and that the North-West company and half-breeds were now one; that M'Donnell having met at the forks of the Assiniboine River an Indian chief and his band, made a speech, by means of his interpreter, to induce them to accompany and assist him in driving off the settlers; adding, that if these latter resisted, "the ground should be drenched with their blood, that not one should be "spared;" that Alexander Fraser and the other half-breeds spoke of the different

On the 18th June 1816.

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

(18th June 1816.)

modes in which, according to circumstances, they intended to attack the colony; to wit, that they would make prisoners of all they found out of the fort, and that if the fort should be too strong to attack openly by day, and the people therein well supplied with provisions, they would tie bundles of hay to the pickets at night, and set fire to them, so that the buildings of the fort might take fire, when they would secure the people as they ran out, or if the stock of provisions was small, they would place themselves in ambush, and shoot if they could not take those who went out for fish, food or water, till the fort should be compelled to surrender. The substance of this statement, particularly as to the intention of compelling the fort to surrender by famine, is confirmed by various evidence (Depositions No. 174, 176, 187, 198, 200, 210, 219 and 237,) especially by Pierre Soucisse, one of the most respectable of the free Canadians (at whose house I lived when at Red River,) and who appeared to me to have at all times continued on friendly terms with both parties: this person in his deposition (No. 219) states, that Cuthbert Grant, Antoine Houle, and Michael Bourassie, the three half-breed captains, publicly acknowledged "that on their first "starting from Qui Appelle, their intentions were to retake Mr. Cameron and the "North-West post, and that on learning the destruction of the latter, they determined to besiege and endeavour to take that of the colony, relying chiefly on "cutting off their supply of provisions, and that they intended to take a position at "the Grenouilliere, which would at the same time enable them to cut off the communications of the colony, and secure their own; that they did not avow their "intention of driving off the colonists, although he believes they might have entertained it even before the battle;" and further, that on the arrival of Alexander M'Kenzie, formerly an agent of the North-West company, he was present at his first meeting with Alexander M'Donnell, his partner, when the latter told him "that "his general plan, and that which he had recommended to the half-breeds, was to "blockade the fort of the colony, and cut off their provisions and water, by placing "themselves on both sides the river, so as to oblige them to surrender, from "famine." Similar declarations appear also to have been openly made by Grant and Fraser, the night after the battle, to their prisoners, and Alexander Sutherland (whose deposition, No. 200, I took with much care) says he learnt from them, "that "their plan was to erect a battery on the opposite side of the river, and to fire from "it upon every person who should come out for water, or other purposes; and that "they should also set fire to the houses by arrows, with lighted touchwood, which "they would fire at the roofs." With regard to the speech made to the Indians, James Bird, junior, a half-breed son of the Hudson's Bay Governor of that name, who was with the party at the time, and was told by the Indians what had passed immediately afterwards, differs from Pambrun in his account thereof (Deposition No. 175,) in not mentioning the violent menaces towards the settlers, imputed to M'Donnell. The number of the whole party collected at the Portage des Prairies, is stated by different witnesses (Depositions No. 159, 173, 204) to have been from one hundred to one hundred and twenty persons, of whom about three-fourths were half-breeds, some few of these clerks and interpreters, but chiefly canoe-men in the service of the North-West company, with others who came down to assist in protecting the property of the said company.

This assembling of the half-breeds by Alexander M'Donnell is acknowledged by the North-West company in their late statement to me, and is even attempted to be justified as a measure of defence to which, under similar dangers, they must again of necessity have recourse. This excuse of self-defence however, such as it is, will not apply to the ulterior intention of driving off the colony; for even believing the North-West company to be persuaded, as it appears to me they were, on sufficient grounds, of the intentions of the Earl of Selkirk and Hudson's Bay company to drive them by force from the country, under an idea of legal right, either real or assumed, they, who possessed no shadow of right, could not deem an attempt to retaliate by driving off their opponents a legitimate mode of self-defence, and more particularly when it was to be effected by employing against their fellow subjects an ungovernable and nearly savage force; a measure which nothing could justify, nor any thing, as appears to me, dictate, but that lawless spirit of violence and oppression by which the North-West company has so long maintained its monopoly. Numerous instances of this spirit will be found in the intercepted correspondence of the partners (Depositions Nos. 103, 123, 124, 125, 126, 168, 240, 335, 336, 337,) and other documents filed, which have fully convinced me, not only that the expulsion of the colony was contemplated by M'Donnell, and those immediately acting with him, but that it has been more or less directly approved either before or after the occurrence, by nearly, if

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not all the partners of the company who had an opportunity of expressing an opinion, or taking part therein, accompanied in some instances, particularly in those stated by Louis Blondeau (Deposition, No. 171,) and F. D. Huerter (Deposition No. 235,) if the witnesses can be entirely relied upon, with threats or declarations of the most savage ferocity.

Inclosure in Sir J. C. Sherbrooke's, of 30th July 1818: viz. Mr. Coltman's Report, &c.

The unfortunate affray took place, in which Governor Semple and about twenty of his officers and men lost their lives. The annexed plan (No. 3) shows the exact spot where this melancholy event occurred, together with its immediate neighbourhood, and explains many local circumstances connected therewith, respecting some of which the parties agree, and differ as to others; the whole of which will be found more particularly stated in the depositions relative thereto (No. 184, 185, 186, and 217.)

On the 19th June 1816.

It further appears by various depositions, (Nos. 189, 190, 191, 198, 201 and 207,) that about five o'clock in the afternoon the party of half-breeds and others dispatched by Alexander M'Donnell from the North-West encampment at Portage des Prairies, were seen crossing the plains near Fort Douglas by the men kept there on watch; by the depositions of John Pritchard (No. 187,) who appears to have been present at the time, of Alexander M'Donnell, the Sheriff of the colony, and the person next in command to the Governor (No. 195,) and of John Farquharson, one of the men on watch (No. 196,) it appears, that the half-breeds when first seen were nearly opposite to Fort Douglas, at a considerable distance from the usual road in the plains, so that it was only on crossing a rising ground that they could be distinctly seen; that on their being first perceived, immediate notice was sent to the Governor, who was in the house, and that Alexander M'Donnell mounting with a spy-glass to the top of a barn, saw a considerable number of horsemen advancing towards the upper part of the settlement; whereupon Governor Semple said we must go and meet these people, let twenty men follow me; that this number was accordingly sent after him by Alexander M'Donnell, who remained in charge of the fort, exclusive of officers, who followed one or two at a time; that many others wished to go, but were not allowed, Governor Semple having declared he only went out for the purpose of ascertaining the intentions of the half-breeds, and to afford some protection to the settlers, who were working on their lands.

Alexander M'Beath, an old soldier, formerly of the 73d regiment, in his deposition (No. 197) states, that having seen a large body of horsemen and carts crossing the plains at about three quarters of a mile distance, and been visited at his own lot, No. 3, by three of them, for the purpose of obtaining information, he was coming to the fort for protection, together with William Sutherland and their respective families, (who with James Sutherland and his family appear to have been the only settlers that came in for that purpose before the battle,) when they were met by Governor Semple, to whom, perceiving that he had not much above twenty or thirty persons with him, he remarked that the North-West were very numerous, and that he would do well to take two field-pieces with him, and to keep his back to the river to avoid being surrounded, and offered if he could have a gun to go out with him; to this the Governor replied, "No, no, there is no occasion, I am only going to speak "to them;" whereupon M'Beath went on to the Fort, but was shortly passed by Mr. Bourke, whom the Governor had ordered to go back for one of the great guns, observing it was well to have it in case of need.

By the deposition of John Pritchard (No. 187) it appears, that after halting some time for the cannon, the Governor ordered the party to advance along the road; that they had proceeded but a short distance when they perceived the North-West party coming forward on horseback, far superior in number, and the half-breeds painted like Indians; that the Governor's party thereupon, by a common impulse, began to retreat, walking backwards, and at the same time extending their line so as to present a larger front, whilst the horsemen continued to advance on them at a hand gallop, and surrounded them in the form of a half-moon; that almost immediately afterwards a Canadian, named Boucher, rode up to them, waving his hand and calling out in a most insolent manner, "what do you want;" the Governor replied, "what do you want," to which Boucher answered, "we want our fort," and the Governor said "go to your fort;" that after this he (Pritchard) could not hear what passed, but saw the Governor lay hold of Boucher's gun, and that immediately afterwards a general discharge of fire-arms took place, but he could not distinguish on which side it commenced, but in a few minutes almost all the Governor's party were either killed or wounded; that Captain Rodgers, who had fallen, rose up and came towards him,

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when he advised him to give himself up; for which purpose he ran towards the enemy, raising up his hands, and calling out in English and broken French for mercy, when a half-breed of the name of Thomas M'Kay, a clerk of the North-West company, shot him through the head, and another cut open his body with a knife; that his own life was saved with the greatest difficulty, one Lavigne, a Canadian, joining with him in entreaties to that effect; that he was then sent under the guard of two Canadians, Morrin dit Perrault, and Mageau, to the head quarters of the half-breeds at Frog Plain, where he found Alexander Murray and his wife, two Bannermans, Alexander Sutherland, and Anthony M'Donnell, also prisoners; that at the time he was conveyed away, several of Governor Semple's party, who were only wounded, called to him for God's sake to come to their assistance, and that several of the half-breeds afterwards told him that they had completely dispatched those who were wounded; that Cuthbert Grant told him that Governor Semple was wounded by a shot from himself, and that lying on the ground, his thigh bone being broken, he asked him if he was Mr. Grant, and being answered yes, he said, "I am not mortally "wounded, and if you could get me conveyed to the fort, I think I should live;" that Grant promised to do so, and then left him in the care of a Canadian, but that the Governor was afterwards shot through the breast by an Indian.

These particulars agree nearly with what Grant stated in his deposition (No. 216,) and he further adds, that the name of the Indian was Machicabaou, and that he was informed by himself of his having killed the Governor.

Nolin, in his deposition (No. 209) states, he was told at the time that it was Deschamps, a Canadian, who killed him; but this report has probably arisen from his having afterwards plundered the body.

Machicabaou was present at the Indian council held by myself, having been admitted to a friendly intercourse by the agents of the colony, either from motives of policy towards the Indians, or from discrediting the imputations against him, of which I was not aware at that time. He appeared, however, rather to avoid this subject; but on another Indian's mentioning that most of the bodies were found naked, except that Semple's had a shirt on, he said, it was he who put the shirt on the body.

The account of Pritchard is further confirmed in many material points by the depositions of Anthony M'Donnell, and Donald M'Kay (No. 192 and 193,) who were both present at the battle, but cannot say on which side the first shot was fired; as also by the different depositions of Michael Haydon (Nos. 189, 190 and 191,) in which he states in substance the following additional facts:—That in answer to the last speech of Governor Semple, mentioned by Pritchard, Boucher said, "Why did "you destroy our fort you damned rascal?" whereupon the Governor laid hold of the bridle of his horse, saying, "Scoundrel, do you tell me so!" and called to some of his men to take him prisoner, when Boucher slipped off his horse and escaped to his party, by whom a shot was instantly fired, by which Mr. Holt, a clerk in the service of the colony was killed; that Governor Semple himself was wounded by a subsequent shot, and thereupon called out to his men, "Do what you can to take "care of yourselves;" but they instead of seeking their own safety, crowded round the Governor to ascertain what injury he had received, and that while thus collected a general volley was fired upon them, by which the greater part were killed on the spot; that those who were left standing took off their hats and called for mercy, but in vain, being nearly all either shot or stabbed with spears; that upon the Governor's party coming round him, some of them fired upon the half-breeds; that he (Haydon) was a little to the right of the party, with Michael Kilkenny, George Sutherland, and Donald M'Kay, when observing that nearly the whole on their side were either killed or wounded, they endeavoured to make their escape, together with Dr. White, who being behind the others was killed by a party of six half-breeds who pursued them; that he and the three others escaped, and were with John Pritchard and Anthony M'Donnell (who was made a prisoner by Alexander Fraser,) the only persons spared of the party with Governor Semple; Michael Kilkenny and George Sutherland above-mentioned, have not been brought before me for examination, although in the neighbourhood of Lake Winnipic, whilst I was at Red River, nor do their depositions appear to have been taken elsewhere; it is probable therefore they have nothing material to state; particularly as Martin Jordan, one of the colonists, in his deposition (No. 147,) says, that they were left by him at Jack River the 1st of August last, and that he has heard them often speak of their having been in the battle of the 19th June, and that they had narrowly escaped with their lives, but has never heard

heard them mention how the affair began, or give any particular account thereof. By the depositions of John Bourke (No. 201,) Hugh M^c Lean (No. 202,) John Farquharson (No. 196,) and Alexander M^c Donnell (No. 195,) it further appears, that on the arrival of Bourke with an application, as M^c Donnell understood from Governor Semple, for a 3-pound field-piece, it (having been already prepared) was immediately sent, and Hugh M^c Lean to drive it; that they had advanced about half a mile, when they perceived that the Governor's party was surrounded, and saw the flashes of the guns which were firing; that Bourke fearing the cannon might be intercepted, thought it prudent to convey it back to the fort, and went part of the way with it himself; that meeting ten men advancing he went with them towards the place, where they expected to find the Governor, but not seing him, and observing the half-breeds dispersed over the ground, they hesitated to go forwards, when some of the hostile party cried out "Come on, come on! here is the Governor, won't you "come and obey him;" and on advancing a little further, the same persons cried out, "Give up your arms," whereupon fearing that the Governor was destroyed, and that it was intended also to get possession of themselves, they made all haste to escape, and that in the flight John M^c Naughton was killed, and Bourke himself wounded; that the gun having been sent out a second time under charge of M^c Lean, accompanied by Farquharson and two others, they met Bourke coming back wounded, who told them all was over and that they had best return, which they accordingly did, placing him in the cart.

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With regard to the prisoners taken before the action, it appears by the depositions of three of them, William Bannerman (No. 198,) Alexander Murray (No. 199,) and Alexander Sutherland (No. 200,) that they were all at work upon their lands the evening the half-breeds arrived; Alexander and William Bannerman on their father's lot, No. 21, and Alexander Murray on his lot, No. 23, and that these three, with Murray's wife, were made prisoners by the half-breeds as they went towards the Frog Plain, and Alexander Sutherland as they passed his lot, No. 12, on returning to meet Governor Semple's party; that some threats were used towards Sutherland on his being taken, and strict inquiries made of them respecting Robertson, against whom the half-breeds vowed vengeance, and said, that nothing could save his life if he fell into their hands; that they did not intend to kill the settlers, but wanted to get hold of the officers of the colony; that on their arrival at Frog Plain they were put into a tent, and one of the half-breeds placed as sentry over them; that after the battle, John Pritchard and Anthony M^c Donnell were also brought is as prisoners; and that a large party of half-breeds arrived who appeared quite frantic, and threatened to murder all the prisoners, and led them out apparently for that purpose; that after many alarms, they were however on the intercession of Mr. Pritchard, who told the half-breeds, "that blood enough had been shed, and that the fort should be "given up without the loss of lives," assured of protection by Cuthbert Grant, but appear to have continued in great alarm and considerable danger during the night.

The depositions of Joseph Pelletier dit Assiniboine (No. 149 and 204,) and Jean Baptiste Marsellois (No. 206,) half-breeds, who were present at the battle, but who have since made their submission to the Earl of Selkirk, and are either in the service or living under the protection of the colony, and were examined at his Lordship's instance, agree generally in the foregoing account of the affray, except only as to Haydon's statement of the first shot being fired on the side of the half-breeds, which they positively deny; and both state, that before any shot was fired on their side, one had been fired at Boucher, which passed him so close as to stun, and cause him to fall off his horse; and Pelletier, that a second was fired at an Indian, after which the action became general on each side; that after about three discharges the colonists began to give way, but the battle continued between individuals. Marsellois mentions the circumstance of Mr. Rodgers being killed when asking quarter; but says it was done by one of the deschamps, called "Grossetete;" a fact which Desmarrais (Deposition, No. 317) also attests to have been the general report; and that he was urged on by his father, a Canadian, who cried out "no pardon." Pelletier adds, that he heard Cuthbert Grant, on sending Boucher to the Governor's party, say to him; "go to them, and tell them to ground their arms, and to surrender, or we will fire "upon them." That such, in fact, were their orders if the least resistance were attempted; and that Grant told them they were conformable to the instructions of Mr. M^c Donnell; and that Antoine Houle said more positively, that if the colonists did not immediately surrender their arms, they must fire upon them; and that he would give a shout, as a signal, when to begin; for they must not be allowed to

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escape. He also states, that the half-breeds had painted themselves, and put feathers in their heads, in the Indian mode, which was not customary with them before the attacks on the colony began; when their employers furnished them with paint, and directed them to paint themselves before an attack.

Pelletier, it is however proper to observe, is an inaccurate witness, having deposed to two facts, one relative to a speech made by Duncan Cameron, and the other to the residence of the settlers made prisoners before the battle, both of which are certainly erroneous as to time or place.

Michael Bourassa, also a half-breed, who was in the employment of the North-West company, but examined by me at the instance of an agent of the Earl of Selkirk, on my first meeting with A. N. M'Leod and Alexander M'Donnell, under the idea that he could depose to facts requiring the arrest of these gentlemen, gives a similar statement to that of Pelletier with regard to the first shot.

Cuthbert Grant, in his deposition (No. 216,) and Boucher, both in his deposition (No. 215) and his examination (No. 214,) the only witnesses examined on behalf of the North-West company who speak to this point, concur also in similar statements; and Grant specifies John Moor as the person who fired the first shot, which he considers to be that at the Indian; but thinks it to have been fired from misapprehension, owing to the Indian's continuing to advance after he had made him a sign to keep back. Grant agrees also in the statement of there being three or four general discharges of fire-arms.

From the deep interest of these last parties in the event, their evidence can have little direct weight; yet the general conformity of many depositions collected from different persons at various times and places, with the previous statements made by Bouchier, gives to them some importance as moral testimony; as the clearness and apparent frankness of Grant's deposition tends to produce confidence in it.

At the council held by me with the Indians, the account of the battle given by Machicabaou confirms, in almost every respect, the statements made by the half-breeds; and at the same time appeared to be tacitly assented to by the other Indians, as the public belief.

Nolin, the interpreter, in his deposition (No. 211) before me, (annexing and explaining the original certificate given by him to Mr. M'Gillivray, previous to the Earl of Selkirk's arrival at Fort William, the paper so much referred to in the respective publications of the parties,) states also, that such was the general report, and his own belief. The same thing appears also from other depositions (No. 205 218, and 307,) stating it in positive terms, and many others less directly.

Such is the evidence by which the fact of the first shot being fired by the colonists stands supported; of those present, five witnesses speak positively to its being so; and not one, except Haydon, states the contrary, even on belief; and all others who have spoken to the question concur in stating, that such was the general report; whilst the opposite statement of Haydon remains unsupported by a single evidence, either direct or indirect. Other collateral circumstances have also combined, with this weight of evidence, to convince me, that the declaration made by him is, in this respect, unfounded.

It is admitted in the published "Statements," that the minute accuracy of the observations he states himself to have made in the confusion of such a business, might raise doubts; and in the following cases, where his statements have been compared with those of others present at the transactions, the result certainly does not lessen those doubts. In his deposition (No. 189,) he states, that he only saw three Indians, and that he did not see any of these fire a shot, although he had his eyes upon them a principal part of the time. Now the Indians at their council stated to me, that of the three present on the occasion, one ran away as soon as the battle began; and Machicabaou said, that he hid himself in a hole in the ground immediately after the first shots, and continued there till the battle was nearly over. Haydon further states, that the bodies of the slain, which were not brought in by the Indians, remained on the ground a prey for the wild beasts Now, by the deposition of Nolin (No. 210,) it appears that Cuthbert Grant told him, the morning after the battle, that the colonists ought to bury the bodies, and that they need not fear any injury whilst so employed; and by other depositions (No. 195, 197, 200 and 232,) it appears beyond a doubt that they were buried.

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In a subsequent deposition before myself (No. 190,) Haydon mentions, "having "thought it his duty to communicate to one Chatelain, a clerk of the Earl of Selkirk, "who was, at the period in question, waiting for his Lordship's arrival at the "Traverre Island, in Thunder Bay, certain intelligence respecting a plan to murder "the Earl."—Chatelain, in his deposition (No. 265) states, that Haydon did visit him at Traverre Island, and spoke to him of the affairs of Red River; but that the only message he can recollect his giving him was, to tell the Earl of Selkirk, "that every thing was in his favour;" and he appears quite confident, that nothing was said of warning his Lordship of any plan of assassination; it is proper, however, to observe, that Haydon no where says he made the communication, although he strongly implies it.

In his deposition before me at Red River (No. 190,) is is remarkable also, that Haydon repeats neither the statement of the settlers having taken off their hats and asked quarter after the first discharge, nor that of the general plunder of private property, both which facts he had stated in his deposition (N° 189) taken at Montreal. In other depositions (No. 191, 227 and 228,) he charges Paul Brown, a half-breed, with being present at the battle, and having robbed him of a blanket the next day; Cuthbert Grant, on the contrary, who, as to this particular fact, appears to be a competent witness, states in his deposition (No. 216,) that Brown was not present at the battle, and that it was another half-breed, who resembles Brown in person, that took Heydon's blanket; and Nicholas Ducharme in his deposition (No. 213) states having seen Brown at the Grenouillierre at a period which renders it, in his opinion, impossible that he should have been in the battle.

These various inconsistencies and contradictions, although they may not establish wilful falsehood, appear to me to prove beyond a doubt, that Heydon has not given his evidence with that care and accuracy which would entitle him to credit, in contradiction to the concurrent testimony on the other side.

Respecting the intentions of the parties immediately before the battle, the deposition (No. 208) of Charles Bellegrade, a free Canadian, brought before me at Red River on behalf of the Earl of Selkirk, is very important; he states, that about four o'clock, he saw Governor Semple at the Grenouillierre before the battle, and said to him, "My Governor, are you not afraid; it is said the half-breeds are coming to make you prisoner?" to which Semple replied, "No, I am not afraid; I have a "paper which I will go and read to them, and afterwards if they choose to kill me, "they may;" whereupon he (Bellegrade) added, "I do not think they intend to do you any harm, but they may very likely make you a prisoner;" this communication, he states, did not arise from any particular information, but from the general reports prevalent amongst the free Canadians, who are most of them related to the half-breeds, which were, that the colonists were to be blockaded, so as to compel them from famine to surrender themselves prisoners, and to quit the country; that subsequently he saw the first party of half-breeds, about fifteen in number, arrive and unsaddle their horses; that they brought with them, as prisoners, some of the settlers who inhabited the lands next adjoining the Grenouillierre, saying, they did not intend to keep them, but should send them to the Fort to eat up the provisions; that a second party of half-breeds, about double the number of the first, had just arrived, when he heard a cry, "See, the English pursue us," upon which those who could get their horses went off at full speed, and the others followed on foot; that he himself followed, supposing that there would be nothing more than some parleying, both from what the Governor had told him, and because the half-breeds had said, they were ordered not to attack; that it was consequently with the utmost surprize when he arrived near the place he saw the firing, whereupon he turned about and went home.

This statement is confirmed in several particulars by the deposition of Cuthbert Grant (No. 216,) who speaking of the circumstances immediately preceding the battle, states, that on arriving near the Grenouillierre, he met Bellegrade, who told him, that Governor Semple had been there shortly before, and had said, that he wished to read a paper to the half-breeds, and to make some arrangements with them, which if they could not agree to, they must take the consequences; that Bellegrade was the only person he spoke to, but that he learnt from him, that others of the half-breeds had taken prisoners three of the colonists, who lived near the Grenouillierre, and were waiting for his arrival to know whether they should detain them or not; that as he was on the point of arriving, those behind who were accompanying the provision

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carts, rode up, and informed him the colonists were coming after them, whereupon he immediately turned back towards the carts, and ordered the drivers to make dispatch towards the Grenouillierre, whilst himself and others rode forward to protect them from any attack.

Boucher's statement, (Deposition, No. 215, and Examination, No. 214,) that the numbers present at the action were fifty in the whole, of whom thirty had got up when it began, agrees also with Bellgrade's account.

Nolin, in his deposition (No. 210,) states, that in the course of the day in which the action took place, Governor Semple told him, that if the half-breeds went past without doing any harm to his people, he did not intend to attack them, as they were not absolutely at war, and that, on their side, he did not suppose they would make an attack, without giving him an opportunity of speaking to them.

John Pritchard, in his deposition (No. 187,) states, that he does not believe that Governor Semple gave any orders to his party to fire, but, on the contrary, when upon the advance of the horsemen, one of the party said they must fire to keep them off, he reproved him with great severity; he also states, that Grant told him, "that they had not expected to have fought the Governor that day, for in that case "they would have allowed them to pass some part of the woods, before they had "shown themselves in force, and would then have run the Governor's party like "buffalo in the plains, so that not one would have escaped."

Michael Haydon (Deposition, No. 190,) also states, that "before the half-breeds "were within gun-shot, a gun went off by accident, belonging to Mr. Holt, who was "checked for his carelessness by the Governor, who observed, we are not to fire "unless fired upon," and the fact of the gun being so fired is confirmed by Michael Bourassa (Deposition, No. 203).

Pierre Soucisse, in his deposition (No. 219,) further states, that Grant and the other principal half-breeds, always declared, "that the battle was unintended and "unforeseen by them, but that having learnt that their rear was pursued by Governor "Semple and an armed party, they went to meet him to protect the same, when the "battle took place accidentally, from the manner in which Boucher, their messenger, "was seized by the said Governor;" and further, that M'Donnell, in his conversation with Alexander M'Kenzie before-mentioned, said, that the battle was not foreseen nor intended by him.

With regard to the fact of Governor Semple's having ordered his men to fire or not, the evidence is contradictory. Boucher, both on his examination (No. 214,) and in his deposition (No. 215,) states positively, that he did give such orders; and that such was the belief of the North-West party, appears nearly certain from the intercepted letter of Robert Henry, filed on behalf of the Earl of Selkirk (Deposition, No. 218,) and by the statement of Jean Baptiste Desmarrais (Deposition, No. 307). It seems evident, however, that if he did so, it was an act of momentary passion, and by no means his previous intention.

Another point also, respecting which there is a contradiction in the evidence, is the firing of the cannon; this Cuthbert Grant states (Deposition, No. 216,) he saw thrice attempted with a pistol; and Boucher (Deposition, No. 215,) and Joseph Hupe (Deposition No. 205,) say they saw the priming go off; whilst on the contrary, John Farquharson, (Deposition, No. 196,) who went out with it the second time, says, "no attempt was made to fire the cannon, nor was there any match, which he "particularly remarked, having himself made a stick for using the same." Hugh M'Lean also, who drove the cannon the whole time, states in his deposition (No. 204,) "that the leaden apron on the touch-hole was never taken off that day while the gun was out of the fort;" this last evidence would be decisive, was it not that this witness has deposed to other facts, the contrary of which have been clearly established before me. On the whole, therefore, my mind remains in doubt as to this particular; for that the North-West party believed an attempt to fire the cannon was made, appears nearly certain from the intercepted letter last referred to, and is in some degree confirmed by the deposition of William Smith (No. 185,) and by the statement of Moustouche (Deposition, No. 204,) of a report of the cannon being spiked, although some of the details given by this latter witness, do not appear very probable.

Another

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Another point on which the parties differ is, with respect to the object which led the settlers to take off their hats after the first volley; Haydon (Deposition, No. 189,) states, as already mentioned, "that they took off their hats, and called "for mercy, but in vain." Cuthbert Grant (Deposition, No. 216,) on the other hand states, "that after the first round, the half-breeds in general threw themselves on "their backs whilst loading; whereupon the colonists, conceiving many were killed, "took off their hats and huzzaed:" the fact of the half-breeds throwing themselves down when loading, is mentioned also in other depositions on their behalf (Nos. 215, 217 and 317,) as the reason of the much smaller number killed on their side; and from this fact, if admitted, it would necessarily follow, that they had dismounted at the beginning of the action, a circumstance which is not, however, positively stated either one way or the other in the depositions, although it seems inconsistent with the general tenor of those of Bourke and Haydon; at the same time, on any other supposition, it would be difficult to account for their escape, and that of the other parties advancing from the fort, as described by them, and by the "Fils Kenis," an Indian sent out from the fort to see what was going on (Paper, No. 409.)

Of the general existence of hostile feelings, and mutual designs of future aggression, there can be no doubt; as, exclusive of individual acts or declarations, it appears to me, as already stated, fully established, and in fact scarcely denied by the parties, that at this period it was the determination of the Hudson's Bay party to keep forcible possession of the Forks of Red River, in support of their territorial rights; and equally the determination of the North West party to oppose their doing so by force, and to revenge the injuries they conceived themselves to have suffered, in the imprisonment of Duncan Cameron, and the seizure of their property; whilst on behalf of the half-breeds, the intention of driving off the colonists is openly avowed by Cuthbert Grant, on the grounds that their pretensions were inconsistent with the rights of natural justice, both in respect to themselves, and of the North-West company, and had been the cause of continued disputes from nearly the first establishment of the colony. These feelings had been further irritated during a long period of hostile preparations, by mutual injuries and menaces; of which the threat Bourke (Deposition, No. 201) states Grant to have used in regard to Robertson, "that if he "could have got hold of him, he would have had him scalped," and that of Robertson's towards the half-breeds, which Grant (Deposition, No. 216) states Bellegrade to have repeated to him immediately before the battle, "that the freemen were to get "their kettles ready to boil the blood of the half-breeds," may give some idea; that, with these impressions, the parties meeting in arms should have been brought to action by the accidental circumstances which are stated to have occurred, appears by no means improbable; indeed the event seems almost to have been foreseen at the time by the individuals best able to judge.

Nolin declares (Deposition, No. 210,) that if not prevented by the orders left by Governor Semple, he should have followed, on hearing of his having gone out, to warn him of his danger; and François Enodit Delarme (Deposition, No. 113,) that on learning the circumstance, he exclaimed, "Heavens! how unfortunate; so many "men who are going to be butchered; perhaps not six of the number will ever return." The Indian, Fils Kenis, states also in his declaration (Paper 409,) that he endeavoured in vain to stop the party when going out. The probability is, that Governor Semple, as stated by Pritchard (Deposition, No. 187,) was not fully aware of the number of the half-breeds, and felt himself peculiarly called upon, from what had passed with Robertson, to afford protection to the settlers, of whom he might have supposed a greater number to have been absent from the fort; that with these feelings, and apparently brave, but without military experience of any kind, and possibly induced by the representations of those around him, to entertain too contemptible an opinion of his opponents, he went out without any distinct view of the probable consequences, intending to act according to circumstances; and that on the two parties meeting, suddenly, irritated by the insolent address of Boucher, he made that assault upon him which naturally, whether he gave the order to fire or not, led to the melancholy events that occurred.

This view of the subject, although certainly not favourable to Governor Semple's character, either for judgment or command of temper, yet appears to me the only one that can be taken consistently with the facts proved; and from other circumstances, particularly the language of his correspondence, and his apparent vacillation respecting Robertson's proceedings, it might be inferred, that these particular qualities were what he was least remarkable for; that he was, in many respects, a man of

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talents, and, from the attachment of his people, of an amiable disposition, there can be little doubt.

The numbers killed and wounded on each side appear to have been:—one killed, and one wounded, on the part of the half-breeds; and one wounded, and twenty or one-and-twenty killed on that of the colonists; the latter has been the number generally mentioned, and sometimes even two-and-twenty; but Martin Jordan, one of the settlers (Deposition, No. 147,) states, that he has been informed, and believes, that the total number was twenty, exclusive of one man, who, having been drowned the day before, has been generally reckoned amongst those slain; which account appears confirmed by the declaration of the Indian, "Fils Kenis," that he saw twenty bodies, when he went next day to bring in part of them to the fort, and by the circumstance, that Alexander M'Beath, who assisted to bury those which remained after the Indians had brought in nine, speaks in his deposition (No. 197,) positively only as to eleven bodies being found: In any case, however, the disparity between the numbers killed on the two sides is so great, as naturally to raise a suspicion, that the one party had massacred the other in cold blood, rather than that such could have been the result of a mutual contest. On a strict examination, I am inclined, however, to think, that such was by no means generally the case, but that the battle, having been begun, as already stated, by the colonists, continued till the whole either fell or ran off; and that, with the exception of the wounded, quarter was never asked by any but Pritchard and Rodgers: the contrary is, indeed, stated by Haydon; but his statement is positively denied by J. B. Lafontaine (Deposition, No. 217,) and indirectly so by Cuthbert Grant (No. 216,) whose account of the motive which led the settlers to take off their hats is certainly more consistent with general usage than Haydon's. Exclusive also of the inaccuracy of this witness, already mentioned, his present statement is not supported by any other evidence, and seems in some degree inconsistent with the general tenor of the depositions on his own side, and even with the fact stated by himself (Deposition, No. 190,) that he was preparing his gun, when called upon by Kilkenny to observe how few were left standing of their party. A similar statement is also made by the Indian, "Fils "Kenis," respecting Dr. White, who accompanied Haydon in his escape, that he was actually aiming his gun at the moment he was first wounded. On a more mature consideration also of the respective circumstances of the parties, the one standing together in a crowd, unaccustomed to the use of fire-arms, or any of the practices of irregular warfare, the other all excellent marksmen, advantageously posted in superior numbers around their opponents, and accustomed as huntsmen, and from their habits of Indian warfare, to every device that could tend to their own preservation, or the destruction of their enemy, the actual result can by no means be considered so extraordinary as it appears on a first and general view.

With regard to the massacre of the wounded there can be no doubt, independent of the universal report to that effect, and of the depositions directly establishing it (No. 149, 187, 204, and 216,) amongst others that of Cuthbert Grant (stating his fruitless efforts to prevent the same;) it is self-evident, that of those who fell, scarcely one half would in the first instance be mortally wounded; the ill usage and pillage of the dead bodies is also established by a mass of evidence (Depositions No. 195, 197, 198, 199, 200, 202, 207, 210, and 222,) which leaves no doubt on the subject.

These various acts of savage ferocity call loudly for some example! The selection of the proper objects for punishment may however be attended with some difficulty; possibly, in construction of law, the charge of murder may apply to the whole party as engaged in unlawful pursuits, which led to the commission of that crime by a part of their number; yet it would seem contrary to equity to push the principle to this extreme in a case where there were so many gradations of guilt, and some circumstances of extenuation even for many of the most criminal.

The time occupied by the whole affair, as it appears by the different depositions (No. 195. 200, 209 and 218,) which allude to this point, did not exceed a quarter of an hour, consequently as it may admit of doubt, whether the immediate act of escorting provisions by an armed force, in which the parties were engaged, was unlawful the crime of all may perhaps in construction of law rather be deemed manslaughter than murder; more especially if the fact that the colonists were the assailants (of which I apprehend there can be little doubt) be admitted, and due allowance made for the disturbed and hostile state of the country, which the half-breeds at least appear

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appear sincerely to have attributed to the attacks of the opposite party. On the whole, the impression on my mind, after much reflection, is, that the persons whom it would be desirable to select for such punishment as the law may award, would be those individuals, either Canadians or half-breeds, who having had the advantage of a civilized education and religious instructions, may appear to have participated either in the massacre of the wounded, or those asking quarter, (if any other instance than that of Captain Rodgers does exist) or in the mal-treatment and pillage of the dead bodies; for with regard to those half-breeds who have never been out of the country, a further palliation of their crime is to be found in their half savage state, and in the general system of revenge recognized amongst the Indians, and so natural to all uncivilized nations; where the only security individuals can feel for themselves or their families, must be founded on a confidence that any injuries inflicted on them will be revenged by the body of the tribe at large, a principle which is well known to be carried by the Indians to the extent of refusing quarter almost universally to their conquered enemy; in whatever degree this consideration may however be conceived to palliate the fault of this portion of the half-breeds, in an equal degree must it attach moral criminality to those who collected for hostile purposes so savage a force.

Amongst the persons particularly mentioned in the depositions, as having participated in the more horrid crimes, is François Deschamps, a Canadian, who had three sons, (half-breeds) present with him in the battle, François, Joseph commonly called Grossetete, and a young lad whose name is not mentioned; exclusive of the doubtful charges already mentioned of their being the persons who dispatched Rodgers and Semple. Joseph Pelletier dit Assiniboin (Deposition, No. 204,) states positively, that he saw the father kill one of the wounded, and plunder the body of Governor Semple; he also mentions having seen the clothes of others in the possession of the sons; Charles Bellegrade (Deposition, No. 208,) states his having seen part of Governor Semple's clothes in the possession of François Deschamps, the son. François Enodit Delorme (Deposition, No. 113,) states that Bourassa and Primeau, two of the half-breeds present at the battle, told him that it was old Deschamps and younger son who dispatched the wounded, having, as Bourassa said, remained behind by the advice of the two Haules and others; that he understood it was they also who had the largest share of the pillage, and that many of the half-breeds had told him, that old Deschamps had even taken off the bloody shirts, and was washing them till they themselves cried out shame on him; that he had also seen the hats of Governor Semple and Mr. Wilkinson in the possession of the two elder sons of old Deschamps, of whom François stated in his presence that he had himself killed six, and his younger brother four persons; Soucisse also (Deposition, No. 219,) states, that it was universally reported that the cruelties committed after the battle were the acts of this man and his sons; and that the reports were apparently so well founded that he has no doubt of the truth thereof, and in consequence when he met the said Deschamps, he refused him his hand before a large party, and publicly assigned the reason; and that no one else has ever been named to him as having taken part in the said cruelties.

With regard to the number of bodies plundered, the evidence is contradictory; the greater number of witnesses speak however of their being generally so; but on the other hand, few persons are named as having partaken of these spoils. Pierre St. Germain (Deposition, No. 224,) who gives the fullest evidence on this point, states that he saw Lacerte wearing a watch and silk sash, which he believed to have been the governor's; that one Allard had on Mr. M'Lean's sword and cap; that one Cotonohaye had the governor's double-barrelled gun; that another, whose name he does not recollect, had his pistols; and that he recognized several articles of the clothes of the gentlemen killed, worn by other half-breeds.

Francis Boucher, in his examination (No. 214) states, that Vasseur, in whose care Governor Semple was, after the battle brought away his sash, watch and pistols. Joseph Hupe (Deposition, No. 205) states, that he saw Michael Bourassa strip the breeches off one body, and endeavoured in vain to prevent it. At the Indian council it was stated, that one Sacastan, a half-breed from Fort des Prairies, on the Saskatchawine river, wore the coat of Dr. White, one of those killed; and it seemed to be the general opinion of the Indians, that it was the half-breeds from a distance who had carried away most of the articles so plundered. Pritchard also states, that these were the parties who generally appeared to him the most violent.

Against Cuthbert Grant or Alexander Fraser, the two principal North-West clerks of the half-breeds party, there have been no charges made before me of participating

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ticipating either in the plunder or any of the outrages committed. With regard to Fraser, it appears, both by Anthony M^c Donnell's deposition (No. 193) and by that of Michael Haydon (No. 190) that the former (one of the few persons whose lives were preserved) was made prisoner by Fraser; it is also stated by John Pritchard (Deposition, No. 187) that having, on some alarm of the settlers respecting the safety of their women, applied to Grant and Fraser for a safeguard, they immediately assured them thereof. And with regard to Grant, the various depositions (Nos. 196, 198, 199, 200, 202, 210 and 224) which mention instances of his justice and humanity, form such a body of evidence in his favour as show, that in the opinion even of his adversaries, he would not be the fit object to select for an example, four of the witnesses attributing to his exertions alone the prevention of much further bloodshed. A similar opinion may also be still more certainly inferred from the original draughts filed by Daniel M^c Kenzie (Deposition, No. 267, marks B. and C.) of letters written by him to Grant shortly after the period of his own submission to the Earl of Selkirk, and corrected and re-corrected by Miles M^c Donnell, for the purpose of inducing Grant in like manner to make his submission and become a witness; these papers certainly render the subsequent offers which Grant in his deposition (No. 216) states to have been made to him, more probable than they would otherwise appear; offers, which if certainly established, would show that a change of party was, in the opinion of his opponents, all that was required to entitle Grant to rewards instead of punishments. On the present charge bills of indictment for murder were found at the Court of Oyer and Terminer, held in February last at Montreal, against Cuthbert Grant, Alexander Fraser, Michael Burassa, Antoine Houle, and twelve other half-breeds or Canadian servants, as principals; against Alexander M^c Donnell, Allan M^c Donnell, John Siveright, Seraphim Lamar and Peter Pangman, as accessaries before the fact; and Archibald Norman M^c Leod, Alexander M^c Kenzie, thirteen other partners, and five clerks or interpreters of the North-West company, as accessaries after the fact.

On the 22d June 1816.

The colony was a second time broken up, and the settlers proceeded on the afternoon of that day from Fort Douglas to Lake Winipic. It appears by the depositions of John Pritchard (No. 187) and Alexander M^c Donnell, the colony sheriff, (No. 195) that Cuthbert Grant and the other half-breed leaders, taking advantage of the dismay excited amongst the settlers by the fatal event of the 19th June, induced the persons in charge of the colony, by threats of a general massacre, to agree to give up Fort Douglas, with all the property therein, except what belonged to private individuals, and to quit the Red River; this agreement was accordingly carried into effect, an inventory of the property being first taken, and signed by Cuthbert Grant, as a clerk of the North-West company. By various depositions, (Nos. 196, 198, 199, 200, 202 and 204) which mention Grant's exertions to prevent further bloodshed, it appears also, that he stated his having orders for all that he had done, and that he had not acted with so much severity as he had been ordered to do.

These declarations tend to raise some suspicions that private instructions had been given to Grant, independent of those already mentioned as having been publicly given by Alexander M^c Donnell to the party of half-breeds, on leaving the Portage des Prairies; a supposition which is rendered the more probable by the general violence of M^c Donnell's conduct as a partizan; at the same time, there is no other evidence of the fact than the declarations of Grant, who might very possibly have used expressions of this kind, in the double view of deterring the settlers from returning hereafter; and by keeping up at the time a general feeling of alarm, of preventing disputes and collision of any kind with the other half-breeds; both which objects he appears by the depositions to have had in view, and to have had some difficulty in giving effect to the latter.

By the deposition of John Pritchard (No. 187) it appears, that about the time the settlers were ready to depart, Grant stated, he had received an order from Mr. Alexander M^c Donnell, the North-West partner at Portage des Prairies, to detain them till his arrival; that he (Pritchard) entreated him in vain to allow them to depart; but on Mr. Sheriff M^c Donnell's observing, that he plainly saw Mr. Alexander M^c Donnell wanted to rob Grant of the honour of the day, Grant's pride was hurt, and he declared in an intemperate manner, that he would keep his word in spite of the said Alexander M^c Donnell, and immediately desired them to depart. In the deposition of Michael Haydon (No. 189) and John Bourke (No. 201) taken

taken at Montreal, it is stated by both, that nearly all the private property was plundered, contrary to the agreement that had been entered into. This complaint was not, however, made before me at Red River by the sheriff M'Donnell, who was in charge of the colony, nor by the settlers themselves; nor, as already observed, was it then repeated by Haydon, who, on the contrary says, in his deposition (No. 190) taken before me, "the settlers all embarked, being allowed to take away their own private property;" the probability is, therefore, that the instances of private plunder were few, and chiefly exercised towards individuals who were particularly obnoxious as partizans; the only instances I find particularly specified are those of a horse of Colin Robertson's, which Nolin in his deposition (No. 210) states to have been taken from him by François Deschamps the younger; the blanket of Michael Haydon, before mentioned; and a gun and sword, taken from P. L. St. Germain, a clerk of the colony, by Anthony Houle. Germain states in his deposition (No 224,) that he complained to Grant on this occasion, but was told by him, that he had no right to have any arms.

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John Farquherson, a servant of the colony, states, that having had a fowling piece, his own property, taken from him, he applied to Grant for redress, who caused it to be returned, but told him, at the same time, to be very careful in his conduct with the half-breeds, as their orders from Mr. M'Donnell were to kill every one of them, man, woman and child, and that their lives were in his hands. Louis Blondeau, in his deposition (No. 171,) speaks of the articles plundered, which he saw at Bas de la Rivière in the possession of two of the half-breeds party, and which they stated to have been taken from the colonists; by his previous deposition (No. 170,) there appears however, little doubt, that the articles in question were taken from the public stores which had been delivered up as before-mentioned.

Archibald Norman M'Leod, one to the principal agents of the North-West company, a partner in the mercantile establishment at Montreal, and a magistrate for the Indian territories, arrived at Fort Douglas, accompanied by Alexander M'Kenzie, John Thomson, James Leith, John M'Donald, Hugh M'Gillies, John M'Laughlin, Simon Fraser, Robert Henry, Archibald M'Lellan, John Duncan Campbell, and John Haldane, partners; and Thomas M'Murray, a partner or clerk of the company. He there found Alexander M'Donnell, a partner of the company, with Allan M'Donnell, then a clerk, now a partner, and John Siveright and Seraphim Lamar, clerks, together with Cuthbert Grant, and the other half-breeds, in possession of the place. It appears that after sending off the party of half-breeds on the 18th June, Alexander M'Donnell continued at his encampment at the Portage des Prairies, and on the evening of the 20th, received intelligence of the death of Governor Semple and his people. It is stated by P. O. Pamburn, in his deposition No. 172 and 173, that on the receipt of this news, Alexander M'Donnell and all the gentlemen with him (particularly Seraphim Lamar, Allan M'Donnell, and John Siveright) shouted with joy; that Alexander M'Donnell then went to announce the news to the rest of his people, crying out, "Sacre nom de Dieu, bonnes nouvellés, vingt-deux Anglais "tués;" that Peter Pangman then inquired, "whether any of the half-breeds "had been killed," and on being told of one, he said, "the deceased was his cousin, "and that his death must be revenged; that the settlers must all be killed, and not "one allowed to leave the river, for that as long as one of those dogs was alive, they "would be coming back."

On the 25th June 1816.

André Trotter, the half-breed who carried the intelligence to M'Donnell's camp, was subsequently brought before me on behalf of the Earl of Selkirk, and stated what passed (Deposition, No. 225,) as follows: that his brother, Joseph Trotter, having been wounded in the affair of the 19th June, sent him to inform his father and mother at river La Souris thereof; that on his arrival near the encampment he was met by Mr. Alexander M'Donnell, who had with him Seraphim Lamar and Bostonois Pangman, and asked him "what news," to which he answered, "we fought "yesterday;" and that being further questioned, he answered, "that there were "twenty-two of the English killed, and on their side his brother wounded, and "a half-breed of the name of Batoche, killed." Whereupon Mr. M'Donnell shouted with joy, and went to the camp to inform his people of the news, whilst he himself (Trotter) looked out for a place to pass the night, and slept under shelter of a cart, neither supping nor having any further conversation of consequence with any one, owing to his anxiety respecting his brother.

This

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This person was again brought before me, on behalf of the North-West company, when he stated (Deposition, No. 226) in addition to the circumstances already mentioned, that he had told Mr. M'Donnell that the English had come and attacked them, and that it was immediately after his mentioning the small number of killed and wounded on their side, that M'Donnell shouted for joy, and went towards the camp, accompanied by Lamar and Bostonois, who were alone present at the foregoing conversation, which took place at the distance of about ten arpens or more from the camp, and was the only one (he, Trotter) had with M'Donnell. The account given by Seraphim Lamar, of this occurrence (Deposition, No. 161,) is, that on Trotter's mentioning that a battle had taken place, and twenty-two English had been killed, Mr. M'Donnell said to him, "why did you not keep at a quarter "distance as I ordered you;" to which Trotter replied, "we kept out as far as we "could, as will be seen by the footsteps of our horses, who were up to their bellies "in the swamp;"—and, "how many," added M'Donnell, "are killed on your side;" "one," replied Trotter, "and my brother has his leg broken;" "so much the "better then," said M'Donnell, "we have with the bad news always some good;" but his shouting with joy, Lamar declares he cannot recollect. On the whole, whichever account may be most correct, there can be little doubt that Alexander M'Donnell showed on this occasion, his feelings of triumph in a very indecent manner, particularly considering the nature of the contest; several other instances of his violence have also been stated before me, which sufficiently confirms the character given him by John Pritchard, (Deposition, No. 123,) of being "a violent partizan, little scru-"pulous in the measures he adopted, and at the same time, much irritated against "the Hudson's Bay company's servants, owing to the death of a brother, who had "been killed in an affray respecting an Indian debt some years back." Joseph Pelletier (Deposition, No. 204,) states, that at the period the half-breeds erected a battery in 1815, near the colonial fort, Alexander M'Donnell came and informed them, that it was Cameron's order that if Miles M'Donnell did not surrender, they should heat the cannon balls (which by other depositions, appear to have been forged by one Henault, the blacksmith of the North-West company,) red hot, and by that means set fire to the houses; that the half-breeds told him, it was a pity to kill so many people to make prisoner of one, and that they would rather wait till night and break open the doors; to which he replied, "my children, you will get yourselves killed;" but left them without coming to any decision, and that the next morning Miles M'Donnell surrendered himself. The most decisive proofs of Alexander M'Donnell's violence, are however to be found in two of his intercepted letters, proved before me (Depositions No. 335 and 337,) addressed to Archibald M'Lellar; in the former whereof, dated Fort William, 30 July 1816, he states, "you have "learned 'ere now, that you are appointed to the post of honour; you have his "Lordship to oppose in person; his numbers are formidable, but I think they will "be thinner by the time they get to the Red River;" and the latter, dated Qui Appelle, 7 December 1816, "I hope Lac la Pluie will be the last place taken with-"out the satisfaction of self defence, and I hope you are confident, as long as I can "*crawl*, my feeble aid and assistance shall be devoted to the rights of the North-"West company. In my general letter, I have urged our friends to send forward "early reinforcements for our protection, and we will concert together what steps "to be taken; mark what I tell you, that his Lordship shall —— dear and dear "indeed for his conduct; I will say no more on paper, —— but there —— some "fine places on the river Ormpique." These letters, particularly the latter, have been produced on behalf of the Earl of Selkirk, as showing the existence of plans against his life, which are further confirmed by the deposition of John Bourke, (No. 201,) who states that he overheard a conversation between Alexander M'Donnell, Hugh M'Gillis, and other partners of the North-West company, which took place near where he was laid down to sleep, and wherein the said Alexander M'Donnell said, "The sending down the half-breeds was certainly carrying things "to an extremity;" and afterwards, as by way of accounting for what had happened; "but it can be said that these people (meaning Governor Semple and the "persons with him) went out to attack them (meaning the half-breeds) and met "their fate;" and afterwards, speaking of Lord Selkirk's intention to visit Red River, by the way of *Fond du Lac*, the said Alexander M'Donnell said, "the half-breeds "will take him whilst he is asleep, early in the morning;" and he afterwards said, "they" (meaning, as he understood, the North-West company) "can get Bos-"tonois," (meaning an Indian of the half-breeds, well known for his crimes) "to shoot "him;" and that in the course of the same conversation, he heard the word "stab" used,

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used, but cannot say with reference to whom; that the next morning he told what he had heard to Patrick Corcoran, and afterwards mentioned it to Michael Haydan; the statement of this latter on the subject, has already been noticed, but in Corcoran's deposition, it is not alluded to. The whole evidence appears certainly to raise some suspicion against M^c^Donnell, at the same time, allowing for the very possible misunderstanding of a conversation overheard in the way mentioned by Bourke, I do not perceive in his statement (which at the same time it must be recollected, is that of a person who from the inconsistency of his testimony, as to the general plunder of private property by the half-breeds, with the other evidence on this point, appears liable to the imputation of not being a very accurate witness,) nor in the letters of M^c^Donnell, any thing that might not apply to a plan of open attack, nearly as well as to a supposition of intended assassination. Whilst however it might be incorrect, on such testimony, to attach the suspicion of so foul a crime to any one, the consideration of this charge has certainly increased my regret, that the warrant I issued against M^c^Donnell, could not be executed, owing to his previous and unexpected escape into the interior from Bas de la Rivière, where I met him, as I supposed, on his way to Fort William, in July last; this flight certainly adds to the suspicions against M^c^Donnell, and combined with all other circumstances, calls for the most vigorous measures to bring him to his trial. A similar observation appears to me also to apply to the case of Archibald Norman M^c^Leod, against whom I likewise conceived it my duty to issue a warrant, which I sent to Mr. Fletcher at Fort William, but this also failed to be executed, owing to the very short stay he (M^c^Leod) made at that place, or at Montreal, from whence he proceeded to England.

It appears by the depositions of Mr. William M^c^Gillivray (No. 373), as also by that of Frederick Damien Huerter (No. 235), formerly a serjeant of the regiment De Meuron, who had engaged as a clerk in the service of the North-West company, but afterwards quitted the same, and has become a partizan of the Earl of Selkirk; that M^c^Leod proceeded from Montreal early in May 1816, accompanied by Mr. Alexander M^c^Kenzie, a former agent of the North-West company, and several other wintering partners and clerks, in charge of three light canoes; Mr. M^c^Gillivray, in a detailed account annexed to his deposition, states that expedition was prepared in consequence of an express having arrived at Montreal in March preceding, with intelligence of the seizure of the persons of Duncan Cameron and Seraphim Lamar, in October 1815, by Colin Robertson; of his having taken possession of the North-West post, and carried away all the arms and ammunition found therein; violences which were likely to produce the most injurious effects to the trade of the North-West company, by raising a prejudice against their partners and servants in all the interior country; and that the objects of the expedition were to afford security for the company's property in the interior, particularly at the great pass, the mouth of the river Winnipic; to preserve the depôt of provisions on Red River, and if possible to get them conveyed to Bas de la Rivière, in the usual manner for supplying the men and canoes from the northern departments: That having been unable to prevent government's giving a military guard to Lord Selkirk, they applied for leave of absence for two subaltern officers of the De Meuron regiment, which being obtained, these two gentlemen, accompanied Mr. M^c^Leod; that on arriving at Fort William on the 29th May, Mr. M^c^Leod learned that the North-West posts at the forks of the Red River and at Pembina, had been again seized by the Hudson's Bay company's party, as had also the annual express of the North-West company; that upon receiving this intelligence, Mr. M^c^Leod sent orders to Fond du Lac, to seize the express one Legimmonieree was conveying for the Earl of Selkirk to Red River, and which he had twice previously passed on the road; and in consequence of the proceedings of the opposite party on the Red River, he desired Mr. Grant and Mr. Morrison (elsewhere mentioned as clerks of the North-West company in that quarter) to endeavour to get a party of the Fond du Lac Indians to proceed to the Red River, in order to give a countenance to the North-West party; that after dispatching these orders, Mr. M^c^Leod proceeded for the interior, and at Lac la Pluie, stating to the Indians that his object was to preserve the property of the North-West company from plunder, twenty of them accompanied him; that he was here also joined by Mr. Leith, with one additional canoe, and at Bas de la Rivière with two others from Fort des Prairies, and learnt at this latter place, that Duncan Cameron had been sent to Hudson's Bay with all the canoes and fins belonging to the North-West company; that from hence he proceeded to Red River, with about sixty to seventy armed men; that a little above the Rivière aux Morts, about forty

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miles below the Forks, he met a brigade of boats, which were at first supposed to contain the North-West company's servants as prisoners, and the canoes in consequence put on shore, and the men landed with their arms; but on a nearer approach, they were discovered to be the colonists, proceeding with a written protection from Cuthbert Grant; that Mr. M'Leod returned to the encampment at the Rivière aux Morts, and immediately set on foot an investigation respecting the capture of the forts at Pembina and the Forks, with the property there, and on the information obtained, caused Mr. Sheriff M'Donnell to be arrested on an affidavit by Mr. John Pritchard: John Bourke was likewise arrested, and Michael Haydon, Corcoran and M'Kay were taken down, as also Pritchard, under a subpœna; that on M'Donnell's representation that he was the *only officer* with the colonists, and that his presence was absolutely necessary to enable them to proceed, he was admitted to bail, and conducted the colonists to Jack River, whilst Mr. M'Leod went up to the Forks, after supplying them with some provisions; that at the Forks Mr. M'Leod met the half-breeds and Indians, and there found that the whole buildings and pickets of the North-West post had either been removed or burnt, by the orders of Governor Semple; that he pitched his tent on the place, and made a speech to the Indians, assuring them and the brulés, that so long as the North-West company was supported and countenanced by them, no other persons should ever dispossess the concern of the trade; that Mr. M'Leod directed the North-West post to be rebuilt on the old site; to which the brulés objected, saying, that as Fort Douglas was built of timber plundered from the North-West company, the latter had a right to it; besides it had been given to them by the settlers, and belonged to them; that M'Leod having no means of acting contrary to their consent and convenience, left some of the North-West company's servants to finish Fort Douglas, which was still incomplete; that an armed schooner, called the Cwthullin, intended to scour Lake Winnipic of all the North-West company's canoes, to the command of which Lieut. Holt had been appointed, was, it is believed, destroyed after Mr. M'Leod reached the Forks; that the party under Mr. M'Leod then proceeded towards the north of Lake Winnipic, to protect the canoes from Athabascer, which it was believed were to be attacked in the way out; this was not however attempted, and they were met about two thirds distance over the lake, after which Mr. M'Leod and the other partners of the North-West company returned to Fort William.

Together with this statement, to which he of course depones only from information and belief, Mr. William M'Gillivray has also annexed to his deposition a paper, containing some details respecting the general mode of trading with the Indians, and of the dangers attending the same: the principal facts stated therein are, that it is not an unusual thing to force the amount of their debts from such Indians as will not pay: that within his own remembrance, upwards of fifty men of all ranks, including one partner and many clerks of the North-West company, have lost their lives by the hands of the Indians: that these crimes have generally gone unpunished; but that in five instances within his knowledge, they have been retaliated upon the men committing the acts as the only means of self-preservation: that in all cases where Indians have been killed by Canadians, of which he recollects only four instances the criminals have been sent out of the country: that in 1799, he sent to Montreal a man of the name of Fornir, accused of killing two Indians, after an affray occasioned by a party of Indians attempting to steal the horses of the fort, and his case was reported to the then Attorney-General, (the present Chief Justice of the province,) but that after upwards of twelve months confinement, he believes he was discharged: that in 1803, two Canadians, Comptois and Rondeau, having killed a man and woman on Lake Superior, although the woman had destroyed two of the servants of the North-West company, the preceding year, yet he sent them to the commanding officer of St. Joseph's in irons, who sent them forward to Amherstburgh, when they were discharged by the magistrates; from the whole of these instances, he infers the personal danger constantly incurred by individuals living in the Indian country: that the lives of the natives have never been wantonly destroyed: that there is an absolute necessity in many cases, and thence is naturally formed the general principle on which the traders act, of holding themselves always prepared to defend by their own exertions their persons and property from the attack of every nature. This principle of self-defence was also maintained by Mr. William M'Gillivray, on his examination, (No. 239,) when arrested by the Earl of Selkirk, (his answers on which occasion have been filed by himself,) and is further extended to that of retaliation; he does not, however, contend, that this latter principle is justifiable by law; but says, that he knows not in what

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what other way a man is to act in a country that is in the state of the North-West or interior country, to protect his property; the same principle is still more unreservedly acknowledged in an intercepted letter from Mr. M'Gillivray, of the 23d July 1816, to Archibald M'Lellan, wherein he says, "Wherever you go, take care of "yourself, firmness and decision is essential in your situation, but let not your warm "temper hurry you into unnecessary scrapes; we profess to act on the defensive, "and really do, but remember the injuries last winter sustained have been amply "repaid, and that we should not attempt any thing more without some fresh aggres-"sion, when no doubt retaliation should form part of your system, otherways we "cannot be respected or do justice to our rights." It might perhaps be a matter of some difficulty to determine, in what degree the peculiar situation of parties in the Indian country, (when distant from the control and protection of the law, the traders are frequently compelled in their intercourse with the Indians, and sometimes with each other, to adopt in miniature principles which govern independent states,) may or may not render the adoption of measures of retaliation sometimes necessary, and as such, more or less excusable, if not justifiable; there can, however, be no doubt beyond all bounds of moderation, of this various proofs will be found in their intercepted letters, depositions, No. 168, 218 and 240, exclusive of those which have already been extracted in the present statement. The following additional details respecting M'Leod's expedition, are given in the depositions filed on behalf of the Earl of Selkirk. Frederick De Huerter, in his deposition (No. 235,) states that he and Charles Rainhard, serjeants in the late regiment De Meuron, were engaged as clerks by the North-West company; and that before leaving Montreal, A. N. M'Leod told him he must by all means take his regimentals with him to the Indian country, saying, "We shall have occasion to shew a little military practice in the interior:" that at Fort William he and Charles Reinhard were directed to go into a store, and choose arms for themselves, which they did accordingly: that at Lac-la-Pluie he and Reinhard were told by Lieutenant Missani, that it was Mr. M'Leod's wish that they should put on their regimentals, which they accordingly did; and Mr. M'Leod observed, that Lac-la-Pluie was a great place of resort for Indians, "and it is necessary you "should all appear in regimentals, to show that you belong to the King:" that at Bas-de la Riviere Winipic, he was again told by Lieutenant Missani, that it was Mr. M'Leod's desire he should wear his uniform, which he accordingly did: that at this place the men were all armed, (although they showed great reluctance thereto) and provided with ball cartridge; and two brass field-pieces (the property of the Earl of Selkirk) were embarked in a bateau, and the whole party proceeded to Red River: that at the River aux Morts he and Reinhard were ordered by M'Leod and Alexander M'Kenzie aforesaid, to take charge of the two field pieces, and prepare cartridges for them; and that the said Alexander M'Kenzie told him, that was the place where the arrangements were to be made for the attack upon the colony; and on his remarking that their force was too weak to make an attack; the said M'Kenzie replied, that they were not weak, that they then expected all the brigades from the north; that Mr. John M'Donnell was to come from Swan river with about forty men to form the rear-guard, and that there was another M'Donnell to come down from Qui Appelle Rivière, with at least eighty half-breeds, who were to make the first attack on the colony: that after waiting a day or two, as he believes, for the arrival of the canoes expected from the north, they set out on the 23d June without them for the colony: that shortly after meeting with the colonists, a strict search was ordered to be made for papers among their baggage, by Mr. M'Leod, which was executed by himself; C. Reinhard and other clerks opening all trunks, boxes and packages, under the direction of the said M'Leod and Alexander M'Kenzie, who took possession of all letters, papers or account-books found therein; that this, as he believes, was done without any search-warrant, that no keys being found for the trunks of the late Governor Semple, Mr. M'Leod ordered them to be broken open, which was accordingly done by Thomas M'Murray, a clerk of the North-West company. That Lieutenants Missani and Brumby went up to Fort Douglas, and returned the next day, together with Alexander M'Kenzie. That having ordered some men to bale the water out of the boat where the two field-pieces were, Lieutenant Missani said to him in the German language, "Don't uncover the artillery, we don't wish these people (meaning the "settlers) to see the guns that we have with us;" and on another occasion, as he was setting a flint to his gun, Lieutenant Missani told him that he ought not to allow himself to be seen by the settlers with a gun in his hand, whilst he was dressed in his uniform. That during this and the ensuing day they were joined by several other partners of the North-West company. That on the 24th Lieutenant Missani and

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Brumby set out with Mr. Hughes, a partner of the North-West company, for Fort William, and the settlers were also allowed to depart. That on the 25th he proceeded to Fort Douglas with A. N. M'Leod, Alexander M'Kenzie, James Leith, John Haldine, Hugh M'Gillis, Archibald M'Lellan, John M'Laughlin, John M'Donald, John Duncan Campbell, Robert Henry, John Thompson and Simon Fraser, partners of the North-West company. That at Fort Douglas they were received with discharges of artillery and small arms, the place being in possession of Alexander M'Donnell, partner of the said company, having under his command Cuthbert Grant, Alexander Fraser, Roderick M'Kenzie, Thomas M'Kay, Bostonois Panguan Lacerte, Antoine Houle, Michael Bourrassa and Montour, half-breeds, clerks or interpreters in the employment of the company, and a great number of other half-breeds and servants of the said North-West company. That he saw M'Leod and his partners take the same management and direction of the fort, and make the same use of the property it contained, as he had observed them to do to any of the posts belonging to the North-West company. That the half-breeds were entirely under their order and control, and as subservient to their commands as he had observed any other clerks or servants of the company to be, and on this occasion were received and treated by Mr. M'Leod and his partners as faithful servants, who had rendered a most important service to the North-West company, by which they were employed. That he saw A. N. M'Leod, in presence of Alexander M'Kenzie, John M'Laughlin and most of their partners, call such of the half-breeds and others as were not usually at table with the partners, into a room adjoining the public apartment, when he shook them one by one heartily by the hand, gave them each a dram, expressed the happiness he felt at seeing them, and thanked them for what they had achieved, and for their attachment to the North-West company. That the next day the half-breeds and servants of the company were assembled behind the principal house of Fort Douglas, when the said Archibald Norman M'Leod, in presence of Alexander M'Kenzie, John M'Laughlin and most of his partners above-named, made a speech, in which he told the half-breeds who had been engaged in the affair of the 19th June, that he was very happy to see them assembled there, that they had defended themselves and their lands well, that the English had no right whatever to build upon their lands without their permission; that he had brought with him clothing for forty of them; that he did not expect to meet so many of them there, but that the rest should receive the like articles on the arrival of the canoes in the fall. That he then exhorted them to continue to defend their lands, and to prevent the English from coming into the river any more. That after this speech this said M'Leod went, accompanied by Alexander M'Kenzie and all his partners, the half-breeds and others, on horseback, to the forts, where he made a speech through an interpreter, named Joseph Promaux, to two Saulteur chiefs, named Peguise and L'Homme Noir, or the black man, and their bands, in which he reproached them for having refused to take up arms against the colony when called upon so to do, and for having allowed the English to take Duncan Cameron, and send him away prisoner; that he called them a band of dogs, and threatened to punish them very severely if they ever dared to befriend the English again.

Pamburn, in his depositions, (No. 172, and 173,) states, that at this period he saw the same partners, as mentioned by Hunter, at Fort Douglas, with the exception of Robert Henry and John Thompson; and he adds the names of Thomas M'Murray, a partner or clerk, and Alex. M'Donnell, then a clerk now a partner, as also in his first deposition, (apparently by mistake) that of James Hughes. He further states, that he saw the whole of the partners go to the council held with the half-breeds, to whom M'Leod made a speech, and gave presents; but that he was stopped as he was going to the assembly; that when the partners were assembled at table, he has at different times heard several of the half-breeds mention their having killed and assisted in killing the colonists; and that the partners always expressed themselves pleased with what had been done; and that he has also at different times, heard every one of the partners mentioned by him, express his approbation of the conduct of the half-breeds towards the colonists; and their own satisfaction at being in possession of the fort; and he further deposes, positively, that Alexander M'Donnell, being absent at the time of the attack upon the colony of Red River, wherein Governor Semple and many of the colonists were killed; and whereby the said colonists were driven away from Red River, did yet procure, counsel and abet the same before the fact; and that the said Alexander M'Donnell, and the other partners of the North-West company named by him, together with John Siveright and Seraphim Lamar, knowing of the

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the said attack upon the colony, the death of the said Semple and the colonists, and the expulsion of the colony, did shortly after the said facts, and knowing the same to have been committed, approve of, encourage, relieve, comfort and assist the said half-breeds and Canadian servants, who had declared themselves to have committed the aforesaid crimes. He further states, that having been taken down against his will to Fort William, instead of being allowed to go to Jack River after the colonists, he saw there several of the half-breeds and Canadian servants of the North-West company, who had acknowledged in his presence that they were concerned in the attack upon the colony, and in killing the said Governor Semple and the colonists; and that some of those who had been engaged in the said attack against the colony, and who had not received presents at Red River, received at Fort William aforesaid, presents of clothing of the same description as those given at Red River; and informed him that the same was an extraordinary allowance given for their good conduct at Red River, and bestowed only upon those present on that occasion. Aug$^{e}$ Lavynge, Monstouche Beankero, and Joseph Peltier, in their depositions (No. 229, 230, and 231,) speak of the presents made to the half-breeds by M$^{c}$Leod, and of his having made them a speech, the substance whereof, as far as stated by them, agrees pretty nearly with what is stated by Huerter. Joseph Peltier dit Assiniboine, adds also, that he is very certain M$^{c}$Leod thanked them in the name of government for what they had done, and stated that two officers of government had come up to see what had taken place; and that these officers allowed they were right to defend their lands; and that he further told them they were to remain, in order to prevent the colonists from returning; and that they would on that account be exempt from their usual voyage to Fort William; an arrangement, which it appears by the intercepted letters of Cuthbert Grant and Alexander M$^{c}$Donnell, extracted by Colin Robertson, in his deposition (No. 167,) was by them contemplated as early as March preceding. Peltier further deposes to the reproaches made by M$^{c}$Leod to the Saulteur Indians, and to his taking from them a barrel of gunpowder, and bag of shot, which they had received as presents from Governor Semple. These depositions, though with some modifications, are for the most part confirmed by those filed on the opposite side. Seraphim Lamar, in his deposition (No. 161,) speaks of the dresses distributed by M$^{c}$Leod amongst the half-breeds; but says that it was not an extraordinary recompence for the battle, but given to those who wanted clothes, the equipment of clothes not having been furnished regularly the year before, from the disturbed state of the country. He mentions also the general meeting of the half-breeds with M$^{c}$Leod, but says it was for the purpose of his reading to them the answers of the gentlemen of the North-West company, at Montreal, to the letter which the half-breeds had written to them in 1815, in order that they should present a request in their name to the governor in chief, that they might not be molested in the enjoyment of their lands. Cuthbert Grant, in his deposition (No. 216,) states also, that after the first expulsion of the colony in 1815, an address had been prepared to the governor of Lower Canada, on behalf of the half-breeds, to inquire of government whether Captain Miles M$^{c}$Donnell, who had called himself governor, had any authority over them or the Indians, of whom four signed the said address, or any right to possess himself of the lands, and deprive them of their accustomed rights, in order that if it was so, the half-breeds might withdraw themselves to the Missouri, and trade with the Americans there; that a letter was also written about the same time, to the agent of the North-West company at Fort William, to inquire their opinion as to the pretended rights of the said colony, over the lands at Red River: that to this letter an answer was given verbally, by Mr. Archibald N. M$^{c}$Leod, at the forks of Red River, on the present occasion, to the effect that the colonists had no right over the lands, and still less to deprive the half-breeds of their accustomed rights therein; and that with respect to the address to government, he has inquired but could never obtain any satisfactory information. Alexander M$^{c}$Donnell, the colony sheriff, John Pritchard, Donald M$^{c}$Kay, Patrick Corcoran, Michael Haydon, and John Bourke, in their depositions (Nos. 195, 187, 193, 237, 189, 190, and 201,) detail various circumstances of hardship and violence to which themselves and the other settlers were exposed, on meeting Mr. M$^{c}$Leod. In addition to the circumstances stated by Huerter, Alexander M$^{c}$Donnell deposes, that he was required to make an oath, that he himself would never return to Red River, nor those under his charge; but that positively refusing, he was ultimately allowed to go free with the remainder of the people; also, that M$^{c}$Leod having taken, amongst other papers, the colonial account book, he requested him to restore it, as the same could be of no service to him; whereupon he answered, "it is of no service to me, but I will keep it to distress you." Pritchard, M$^{c}$Kay, Corcoran,

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coran, Haydon, and Bourke, concur in stating, that they were all made prisoners. It does not however appear that at Fort William they were treated as such, with the exception of Bourke and Haydon; the former of whom states, that on leaving Bas de la Rivière, he was put in irons, and that all his clothes were taken from him, together with his watch and a pocket case of mathematical instruments; and that in this situation he was placed on the top of the baggage in the canoe, without any attention being paid to his wound, and was conveyed to Fort William, where he was confined during twenty days, in a close prison. Haydon states, that during the first ten days after his arrival at Fort William, he was allowed to walk freely about, but was afterwards confined in consequence, he believes, of a communication made by him to one Chatelain, hereinbefore mentioned; having subsequently to this visit, been committed to prison after a very slight inquiry, in which he acknowledged being present at the capture of Mr. Cameron's post; and on his remonstrating with Mr. M'Gillivray for confining him, whilst Corcoron and M'Kay who had been in the same business, were left at liberty, he was answered by that gentleman, that he had shown himself of late a bitter enemy to the North-West company. Pritchard states, that on meeting M'Leod's party, Mr. Hughes asked them, "where is that fellow Semple," to which Sheriff M'Donnell replied, "he is dead;" the same circumstance is confirmed by Corcoran and Haydon, who likewise mention Robertson's being asked for; and, as Haydon states, in the opprobrious term, whether "the rascal and scoundrel Robertson "was in the boats." Pritchard further states, that the tent into which he was put, was guarded by Serjeant Reinhard, and another serjeant, both late of De Meuron's regiment; that one of them told him they no longer belonged to the said regiment, but were clerks in the service of the North-West company; but that he must keep that a secret, by which he understood that the object of their employers was to induce the Indians and people of the country, to believe that these serjeants were still in the King's service, and that the North-West company had the sanction of government for their proceedings, a belief into which he himself was for a time almost misled, from seeing the said serjeants, some privates, and two officers, in the English uniform amongst the North-West company's people. That at Rivière aux Morts he was examined by Mr. M'Leod, in presence of Messrs. Leith, M'Lellan, and M'Murray, his partners, where Mr. Leith put into his hand a note, stating, that if he gave information he should not be prosecuted, as principals could not be admitted as evidence; whereupon he told the said M'Leod that he did not wish to hide any thing. That William Shaw, with his party of half-breeds, was with M'Leod at Rivière aux Morts, and that after M'Leod's return, Primeau, one of the most violent of the half-breeds concerned in the massacre, was placed as guard over a bateau, which conveyed three prisoners to Bas de la Rivière, whilst himself and Corcoran were conveyed in a canoe guarded by Reinhard: that at Bas de la Rivière, a party of half-breeds put irons upon the hands of Bourke, saying, they did it of their own accord, as a punishment for his treatment of Mr. D. Cameron, of the North-West company; but that it could scarcely have been done without the sanction of the partners of the North-West company; and its cruelty was much aggravated by Bourke's being thereby disabled from dressing a wound, which he had received at Red River, and which was still in a bad state. That from Bas de la Rivière, he himself was conveyed part of the way under the guard of Fraser, the half-breed chief, who had been one of the commanders at the massacre; that whilst at Bas de la Rivière, intelligence being brought that Miles M'Donnell was coming in from Canada, some cannon of which the colony had been deprived by the North-West company, was planted there under the superintendence of Serjeant Reinhard, by order of Archibald M'Lollan, a partner of the North-West company, so as to command the navigation of the river. Corcoran, Haydon, and Bourke, all concur in accounts of the marked attention with which the half-breeds were treated by Mr. M'Leod and his partners; and of their being employed to guard themselves as prisoners. Corcoran also states, that he was informed by one Edward Kano, that the half-breeds had scalped Governor Semple, and had given his scalp to Archibald Norman M'Leod, who had it then in his possession. Haydon further states, that Mr. M'Leod questioned him as to the particulars of what had happened at Red River; and after hearing them, said they were all lies, and that he would have him taken to Fort William and put in irons, to make him tell the truth; and that at the period the settlers were detained by M'Leod during two days, they had not provisions sufficient for a greater part of their journey to Hudson's Bay.

On the last fact, it may however be proper to observe on my own knowledge, that from the abundance of fish at that season, there could not be any material danger of famine,

famine, as also with regard to the statement made by Kane respecting Governor Semple's having been scalped; that it is supported by no other evidence whatsoever, although it is very improbable if such had been the fact, that it should not have been remarked by those who buried the body. In Bourke's deposition, speaking of the conversation overheard by him, as hereinbefore mentioned, he further states that Alexander M^c^Donnell asked M^c^Gillis, who had come up with Mr. M^c^Leod, what his plan for the destruction of the settlement of the Red River had been; that M^c^Gillis answered, that his plan was to attack the fort (meaning Fort Douglas) immediately; to which the said Alexander M^c^Donnel replied "if you had, they would have killed one half of you;" that the said M^c^Gillis then asked M^c^Donnell what had been his plan; to which the latter answered, it was to starve the fort (meaning Fort Douglas,) as they (meaning the persons in the fort,) had only four bags of pemican. This conversation has been much dwelt upon on behalf of the Earl of Selkirk, as proving the hostile intentions of the party with M^c^Leod; these are however still more clearly acknowledged in the intercepted letter of Robert Henry, one of the partners who accompanied M^c^Leod from Montreal, filed before me (Deposition, No. 218,) in the following terms, "I thank Providence that the battle was over before we got there, "as it was our intention to storm the fort; our party consisted of about 100 men, "70 fire arms, and two field pieces; they were fortified with several pieces of artillery, "and no want of grape and cannister shot, with cannon ball and 200 muskets, with "about 60 men; what our success might have been I will not pretend to say, but "many of us must have fallen in the contest, as I imagine they would not have come "out to attack so strong a party as they did the half breeds." The declarations made to the Indians at Lac la Pluie, previous to the party having received intelligence of the final destruction of the post, or the sending off to Hudson's Bay of Duncan Cameron, are stated by John Charles Sayer, the North-West interpreter, who spoke for M^c^Leod on the occasion, (in his Deposition, No. 238,) to have been "that they "were going to Red River to try to recover their fort, and rescue Mr. Cameron, and "would be glad if the Indians would follow them, adding that they did not go as fighting characters, but they were told that guns were placed to prevent them from passing, "and that if they were attacked they must defend themselves; also that they had "expressed a wish to have some of the King's officers to accompany them, who were "accordingly present." Upon this a chief who had been previously spoken to, answered in the name of the rest of the Indians, expressing their attachment to the traders of the North-West company, and that they were ready to go wherever they desired them. He observes also, that the expressions he was instructed to use in his speech, were such as the Indians would certainly understand, as implying an instruction to go to war against the opponents of the North-West company. Baptiste Lagimoniere, Sacinter Leger dit Parisin and Bellanie Marie in their depositions (No. 233 and 234,) detail the particulars of the robbery of the express of the Red River, in the charge of the former, and state various circumstances of violence as well as of the plunder of their personal effects with which it was accompanied. John Allan annexed to his deposition (No. 280) an extract of the order (marked P.) sent by A. N. M^c^Leod, for the seizure of the express in Lagimmoniere's care, which concludes with this remark, "it was a matter of astonishment to many how he could have "made his way last fall through Fond du Lac department; this no doubt you will be "able satisfactorily to explain." Mr. Allan annexes also a copy of the letter, marked Q, sent at the same time by A. M. M^c^Leod, Robert Henry and John M^c^Laughlin, to Messieurs Grant, Morrison and Roussin, to induce as many of the Fond du Lac Indians as they could, to meet the party under M^c^Leod at Red River. He also annexes the copy of a list (marked S.) containing the names of a number of half-breeds who had received habiliments at Red River, in the month of June, a few days after the death of Governor Semple and his party, which names are ticked off; the same list contains also the names of fourteen others, which have not been ticked off. He also states, that twenty bales, intended for the Red River department, were discovered at Fort William, which contained suits of clothing or habiliments, destined for the half-breeds who had assisted in the destruction of the colony, and who were designated in one of the North-West company's books, by the name of the "cossacks," and on other occasions by that of the "bois brulés rangers;" and that the number of habillmens was thirteen, and that one of them is expressly mentioned to be for Lacerte, one of the brulé's whose name is not ticked off in the list. He further adds, that he has understood from the servants of the North-West company, that the term "habillemens," is distinguished from the term "equipemens," the latter importing clothing received as part of the regular wages and payments of

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most of the servants; and the former a reward or donation over and above such regular wages, given to the best servants, or in token of particular gratitude and approbation of services rendered. Cuthbert Grant, in his deposition (No. 216,) states also the distribution of a quantity of habillemens amongst the half-breeds in June 1816, but mentions Alexander M'Donnell as the person who distributed them (probably however acting under the orders of M'Leod.) He states also that the terms habillemens and equipemens are well known in the Indian country, the former meaning a suit of clothes, and the latter the annual supply of clothing given to a servant, which varies according to his station; the superior clerks having two or three habillemens, and the common voyageurs only blankets and some other articles of trifling value. Alexander M'Donnell, in his intercepted letter to Archibald M'Lellan, of 30 July 1816, filed before me (Deposition, No. 335) states, that he sends by Mr. Hughs, for Lacerte and Bond, two gallons shrub, ten cock feathers, and ten tinsel tassels; and adds, "the difficulty seems to be in getting men, goods we would get to satisfy all hands." Louis Blandeau in his depositions already mentioned, (Nos. 170 and 171,) states his having seen at Bas de la Rivière, two of the party sent by John D. Campbell, from fort Cumberland to Red River, the spring preceding, who showed him the articles received by them, as a recompence for their services which the said Alexander Norman M'Leod had given them from the colony stores, consisting of a habillimen and some smaller articles of dress, exclusive of two sheep which one of them said he was to have for his share.

Frances Eno dit Delorme, in his deposition (No. 113) speaks of considerable promises of rewards, which the half-breeds told him had been made to them. J. B. Marseilois, already mentioned as one of the half-breeds present at the affray of the 19th June 1816, on his deposition (No. 206) states, that he understood from M'Leod's speech that the North-West company would recompence them for what they had done. Lones Rolin, in his deposition (No. 210) states, that in conversation with some of the half-breeds immediately after their taking possession of Fort Douglas, who having drank a good deal, were very talkative, he remarked that they had done an action which might have very serious consequences for themselves; to which they answered, that they should be supported by the North-West company as long as it stood: they spoke also of the rewards they expected from them, saying that if they did not fulfil what had been promised, they would do as much to them; that they had no positive promises of what they were to have, but expected much. From the whole testimony, it appears nearly certain that the rewards given consisted of an habillemen or suit of clothes to each, with probably some beads and other trifles, and that these were given to all who had assembled at Red River, whether present in the affray of the 19th June 1816, or not; for in the list found at Fort William of those who had received habillemens at Red River, the names of Bostonois and Montour, two of the principal half-breeds, are both included, although they are known to have been at the Portage des Prairies at the time of the action: it appears also probable, that such of the half-breeds as were not under regular engagements to the company who assembled at Qui Appelle, and stayed for the purpose of assisting to guard the North-West posts during the summer, had the same wages allowed as if they had performed the customary voyage to Fort William and back again. Nolin, in his deposition further states, that in all his conversations with the half-breeds, they appeared determined to allow him and the other clerks of the Hudson's Bay company to remain, saying that they desired traders on both sides, but would have no colonists on their lands; that the first or second day after the departure of the colonists, Mr. Alexander M'Kenzie arrived at the fort with two officers, who walked out on the plains whilst Mr. M'Kenzie spoke with the half-breeds, who recounted to him what had passed at the affair of the 19th, at which he appeared to laugh, and that he heard him ask which of them had fired, and that he seemed to approve of those who had done so, and to blame the others; afterwards he told them that Lord Selkirk was coming up with twelve soldiers and an officer, which he had obtained with great difficulty, and that the soldiers had orders not to interfere in the disputes of the country, but merely to be a body guard to his Lordship; that on their side they had also two officers, who were come up to see what took place; that the half-breeds replied, if there were only twelve soldiers, they would soon be driven away; that on the same day the said M'Kenzie arrived himself, and the other clerks of the Hudson's Bay company were ordered to leave the Red River, and that it was with difficulty he obtained a passage in the North-West canoes, in place of going to the Bay; that when at Bas de la Rivière Winipic, he had seen them practise

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the use of cannon, and that a platform was prepared by Reinhard, for the purpose of sinking any of his Lordship's canoes that might endeavour to pass. Huerter, in his deposition (No. 235,) further details the particulars of a visit made by him on the 26th June, in company with A. N. M'Leod, M'Kenzie, M'Donnell, M'Laughlin, Leith, Campbell and M'Gellan, with the half-breeds and other servants of the company, to the field where the affray of the 19th June had taken place; that he there "saw the spectacle of a number of human bodies scattered about the plains, and "nearly reduced to skeletons, there being very little flesh adhering to their bones, "and that he was informed on the spot, that many of the bodies had been partly "devoured by dogs and wolves; that this spectacle, at which he was greatly shocked, "was viewed with every mark of satisfaction, and even of exultation by the persons "by whom he was accompanied on this occasion; that all were laughing heartily at "the jests which each strived to pass; that the half-breeds were eagerly contending "to point out to the approbation of their masters, the partners of the North-West "company aforesaid, the particular feats on the 19th June, which were listened to "with pleasure, and answered with praise; that Alexander M'Donell especially "praised, to M'Leod and his other partners afore-mentioned, an old Canadian "named François Deschamps, as a person who had distinguished himself by his "zeal in their service; that the said Deschamps is generally reputed and believed to "have perpetrated acts of cruelty, in murdering the wounded when calling for "quarter; and that in recounting the deeds of this man to his partners, the said "M'Donnell remarked what a fine vigorous old man he was." Huerter further states, that on the 19th or 20th day of July, as he was returning from Frog plain to Fort Douglas, by land, with Daniel M'Kenzie, Cuthbert Grant and Alexander Fraser, the two latter pointed out to Mr. M'Kenzie "the places where the colonists "had been killed on the 19th June, and the remains of the slain which were still "unburied, no order having been given for that purpose by any of the sixteen or "eighteen partners of the North-West company above named, who had been at the "place; and he states, from his own knowledge, that the bones remained disinterred "the whole summer and winter, when after the snow was melted, they were com-"mitted to the ground by some of the settlers who had returned from Jack River." It seems proper, however, to observe, after stating this account at length, that a part of the details appear inconsistent with the statements in other depositions. It has been already mentioned that Nolin in his deposition (No. 210) states, that Cuthbert Grant told him the morning after the battle, that the colonists ought to bury the bodies, and that they need not fear any injury whilst so employed. Alexander M'Donnell, the colony sheriff, in his deposition (No. 195) states, that he caused nine of the bodies, including those of the officers, to be brought in for interment the day after the battle, and the ensuing day sent out a party of settlers and servants to bury the remainder. Alexander M'Beath and Alexander Sutherland, two of the persons so employed, state in their depositions (No. 197 and 200,) that the bodies were actually buried except that of one man, which the latter states from report to have been afterwards buried either by the Indians or the half-breeds; he adds, however, that owing to the confusion, the bodies were not buried more than two feet deep, and as he has understood were afterwards torn up by the dogs, and many of their bones found scattered on the plains this spring, when they were reburied. John Siveright in his deposition (No. 159) states, that he was at Fort Douglas from about the 24th to the 30th June, and that shortly before his departure he went to visit the ground where the unfortunate rencontre took place on the 19th June, in company with Cuthbert Grant, when they perceived that a part of one of the bodies of those slain was in some degree exposed, owing to the dogs or wolves having torn up the ground; that this was observed towards evening, and that he was informed and believes, that the ensuing morning Antoine Pelletier was sent out to cover the said body; and he further says, that he did not on any other occasion hear of any other bodies having been exposed from any cause, or in any manner whatsoever, and that he believes the same could scarcely have occurred without his having heard thereof. Seraphim Lamar in his deposition (No. 161) states, that to the best of his recollection he visited the field of battle the day after M'Leod's departure, (which by other evidence appears to have been the 28th June) and observed that the bodies were all buried, but saw no corpse exposed; that passing the place some days afterwards, he remarked some bodies unburied, and in consequence sent Antoine Pelletier and Maron Ducharne to bury them. Antoine Pelletier, in his deposition (No. 232) states, that in the month of June 1816, he passed the place where the persons who were killed in the action of the 19th June, were buried; that they were very badly

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

(25th June 1816.)

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

(13th June 1816.)

buried, so much so, that the clothes of some of them were still visible through the turf, which was sparingly thrown over them; that one of the bodies was nearly uncovered, and appeared to have been eaten by wolves or dogs, in consequence of which he went to acquaint Mr. Cuthbert Grant with the circumstance; that he understood the bodies had been buried by the colonists, and that he had previously seen the body of one of the said colonists, who had been drowned a short time before the said action, eaten in like manner by wolves or dogs, in consequence of being badly buried on the beach where he was found; that on hearing the said bodies were exposed as aforesaid, the said Cuthbert Grant sent one Maron Ducharme, together with himself, with directions to bury them properly, which was accordingly done. From the whole of this concurrent testimony, it is scarcely possible not to suspect that Huerter, in stating what passed on his visit to the field of battle, has been led into considerable exaggeration, a circumstance which tends in some degree to weaken the confidence to be placed in his general testimony, where not supported by other evidence; more particularly so, when joined to the consideration of his not only having left the service of one party, but become an open and active partizan of the other; and having a direct interest to depreciate the character of his late employers, inasmuch as the proof of the illegality of the commands given him by them, must be the justification he will necessarily attempt, in case of any civil suit against him for the breach of his contract, and also to that of his having, according to his own avowal (Deposition No. 235) received at Bas de la Rivière a trunk and writing desk sent to himself by Charles Reinhard to take care of, and this without making any difficulty except from the circumstance of the trunk being open, although he observed the name of Keveney on the desk, and suspected that something had happened to him.

On the 13th August 1816.

The following persons either actually or heretofore partners of the North-West company, viz. William M'Gillivray, Kenneth M'Kenzie, Alexander M'Kenzie, John M'Laughlin, John M'Donald, Hugh M'Gillis, Simon Frazer, Allan M'Donnell, and Daniel M'Kenzie, were arrested at Fort William in virtue of warrants from the Earl of Selkirk; no copies of these warrants have been filed before me, but it is well known that they were issued on the charges of conspiracy, treason, and being accessary to murder. By a letter addressed to the attorney-general of Upper Canada, on the 21st August 1816, whereof a copy has been filed before me by John Allan, (Deposition, No. 280, marked H,) it appears that the Earl of Selkirk adopted these proceedings chiefly on the depositions of P. C. Pambrun, Augustine Lavigne, and Louis Blandeau, sworn before his Lordship; of these copies have been filed before me, (No. 172, 170, and 221,) and have already been herein before referred to; these depositions his Lordship states were conceived by him quite sufficient to justify his refusal to admit any of the gentlemen to bail; his Lordship, however, further transmitted with his letter to the attorney-general, the additional depositions of Louis Nolin, Joseph Brisbois, and C. G. Bruce; a copy of the first has been filed before me, (Deposition No. 209,) and those of the two last (which are not very material) may be found by reference to the Appendix to the "Statement," pages 65 to 69.

From the concurrent evidence of these depositions, his Lordship states it to appear that the half-breeds who perpetrated the murders of the 19th June, were in a very great part at least, probably almost all, servants in the regular pay of the North-West company; that early the preceding winter, preparations had been made at the different trading posts of the North-West company, even at those which were very remote from the Red River, to collect the body of men by whom these murders were committed; that in a very few days after the massacre, Mr. M'Leod, one of the principal agents of the North-West company, made presents to the murderers assembled in full council, and in presence of many of his partners, addressed them as friends who had rendered an important service to the company; and that most of the gentlemen sent down as prisoners, were then on the spot. His Lordship further states, that on their examinations, all the gentlemen pleaded ignorance of these transactions, but that it was impossible to listen to such an excuse in the mouths of those who were at Red River with M'Leod, when he made presents to the murderers in the name of the company, and equally so in the case of Messrs. William M'Gillivray and Kennet M'Kenzie, the principal agents of the company under whose direction every thing is conducted at Fort William; as the papers secured at that place contained, his Lordship states, evidence, that the promises made by Mr. M'Leod to the brulés immediately after the massacre, had been since fulfilled, or at least provided for at the expense of the company; and that among the goods found packed up, inventoried, and ready to be sent to Red River, there were equipemens of clothing and supplies

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Inclosure in Sir J. C. Sherbrooke's, of 10th July 1818, Mr. Coltr Report, &c.

(19th August, 8.)

of various kinds for almost every one of the murderers, besides a number of habillemens, evidently intended for those individuals who had not been supplied at M'Leod's distribution; that it was impossible to believe this had been done without the consent and approbation of the agents, and their being informed of the promises made by their colleague Mr. M'Leod, for the fulfilment whereof goods were taken out of warehouses situated immediately under their eye, and completely under their control; that another excuse which had been framed, was, that the half-breeds were not the aggressors in the battle, as it was called, of the 19th of June, but that Governor Semple wantonly, and without provocation, went out into the plains to attack them. His Lordship states that it is, however, not only in itself improbable that he should do so with less than half their force, but that it appears by the direct testimony of Lavigne, corroborated by Nolin, that before Governor Semple made his appearance on the plains, the brulés had taken several of the settlers, and were proceeding to make them all prisoners; that from Pamburn's deposition it is also evident, that the brulés under Grant were sent by Alexander M'Donnell, from the Portage des Prairies, for the express purpose of attacking the settlement; and indeed that the whole circumstances of the expedition, as stated by Pambrun, from the period of the brulés being assembled at Qui Appelle down to the perpetration of the massacre, and even to the departure of the settlers, form a series of the most undisguised violence and aggression; and for which no justification can possibly be found, unless we are to admit the broad principle of retaliation, as avowed by Mr. William M'Gillivray in his examination; but that it cannot certainly be necessary to prove that murders and robbery are not to be defended on any such principle, in courts of justice that act upon the law of England. His Lordship further dwells upon the fact, that Alexander M'Donnell, the prime mover and avowed commander of the men who committed all the atrocities against the settlers, and M'Leod, who had rewarded these atrocities as services done to the concern at large, had both been shortly before in Fort William, in intimate daily intercourse with the gentlemen arrested, admitted in the secret consultations of the partners, and that M'Donnell had returned with their general consent to command again in the same department, which had been the scene of so many violences committed by his orders, circumstances which his Lordship conceives would alone form sufficient ground for putting on his trial as accessary any partner who had attended the secret consultations of the company that season, and had not availed himself of that opportunity of expressing his disapprobation of M'Donnell's and M'Leod's conduct. Such is the Earl of Selkirk's own statement of the grounds on which his warrants were issued, and on which he refused to admit the parties arrested to bail. On behalf of the North-West company it is contended, that the assemblage of the half-breeds was for the purpose of defence, and that the affray of the 19th of June 1816 arose from the inconsiderate aggression of Mr. Semple and those who perished with him, and was on the part of the half-breeds and Canadians an act of self-defence, and could not be called murder. In further proof of the defensive views with which the half-breeds were assembled, much reliance is placed in their "printed narrative" on the deposition made by Blondeau before the Earl of Selkirk, wherein he twice repeats the expression of having been asked to go to Red River to defend the interests of the North-West company. The different details hereinbefore contained, especially the extracts from the intercepted letters of different partners of the North-West company, have however sufficiently shown that their views were by no means confined to mere defence, but included projects of revenge and retaliation; and were further proof wanting of this fact it would be found in the intercepted letters of John Duncan Campbell (the partner who made the before mentioned application to Blondeau) dated Cumberland House, 6 April 1816, which has been filed before me (Deposition No. 240, marked B,) and contains the following expressions: "The Red River, where no good can be expected from, has this year turned out "worse for the honour and interests of the North-West company than ever; that "*infamous scoundrel Robertson* has behaved in such a manner to our Mr. Cameron "and people at the Forks, when entirely *off their guard, that revenge is* loudly called "for, and it is to be hoped all well wishers of our concern will not delay in coming "forward to that effect;" and again, "the Hudson's Bay new Governor, whose name "is Semple, with a party, made an attempt to storm the Fort of Rivière Qui "Appelle, sometime after the atrocities committed at the Forks, on purpose to take "the two swivels formerly belonging to the colony now in our possession; but these "sons of gunpowder did not think the task advisable, and candidly speaking they were "in the right, for had they made the attempt, Governor Semple's expedition to Qui "Appelle would have proved a lesson to Hudson's Bay ruffians. *Laberte has been at*

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

(13th August 1816.)

"*Moose Lake on a mission, to prevail on all his countrymen to join in extirpating these* "*miscreants out of the country; young M'Kay, with five men, are to start a couple of* "*days hence for Red River, and I expect by* the time they get there, they will be "joined by the brulés of *Fort des Prairies and English River.*" On the whole it appears to me, there can be no doubt that the conduct of the parties arrested had been of a nature to call for such a proceeding on the part of any magistrate before whom the same proofs should have been laid as were before the Earl of Selkirk; how far however the circumstances were sufficient to justify the refusal of bail, in the cases of Mr. William M'Gillivray and Kenneth M'Kenzie, or of any others where there was not evidence of their having been parties (previous to the fact) to the assembling of the half-breeds, with a view of illegal violence, may admit of doubt; the prudence, and even strict legality of the Earl of Selkirk having proceeded at all to Fort William for the purpose of acting as a magistrate in a case where he was so deeply interested, may also be questioned; from the rank and fortune of the parties, these points will however in all probability be ultimately brought before a court of justice, and it is therefore less necessary to enter into minute details relative thereto; in a moral point of view, making some allowance for the want of a full knowledge of the English law, which may naturally be supposed on the part of a Scottish peer, and adverting to the refusal of two magistrates to whom he applied to accompany him (as stated by John Allen in his Deposition, No. 280,) the course adopted by his Lordship, under the deep and apparently sincere, however exaggerated impression on his mind of the guilt of the partners of the North-West company, can neither create surprise nor call for severe censure; that he had, as had been charged by the North-West company, any intention of proceeding to Fort William, previous to learning the destruction of the colony, there appears no reason to believe; the only fact which gives any colour to the charge, is the nature of the boats, in which the Earl of Selkirk's party was proceeding, and the size of the packages, and the bulky nature of many of the articles conveyed thereby; but all this appears sufficiently accounted for in his Lordship's letter of 25th April to Colin Robertson, a copy whereof was filed before me by Miles M'Donnell (Deposition, No. 112, marked D,) containing the details of his Lordship's plan of proceeding to Red River by way of Fond-du-Lac, and in which he states it to be his intention, in the first instance, to leave a party at the head of the boat navigation from Lake Superior, to form a post where the surplus goods can be left, and whence the canoes may come almost light; and a part of the men being perhaps marched by land to Red Lake, where his Lordship directs that boats may be sent to meet them with a supply of provisions.

Two circumstances connected with the arrests in question, it may be proper to notice as appearing a little extraordinary; the one is, that of the different affidavits on which they are stated to have been grounded, only that of Blondeau, appears to have been taken till several days after the arrests; and the other, that the conspiracy alleged to have been formed in 1814, for the destruction of the colony is not once noticed in the Earl's letter to the Attorney General of Upper Canada, although in the printed "narrative" of the North-West company and the deposition of William M'Gillivray (No. 251,) it is stated to have been made the principal charge against the partners, and certainly appears by the answers of Mr. William M'Gillivray on his examination (No. 239,) relative to Mr. Duncan Cameron's proceedings, to have been much dwelt upon at the time, as it certainly is also in the statement made to me by the legal agents of the Earl in February last; the former circumstance may however have arisen probably from his Lordship's having in the first instance acted on depositions taken from the same parties, but in a less formal manner, as the omission of the latter may have been caused by his Lordship's not having at the same time the necessary documents in support thereof to lay before the Attorney General.

In the execution of the warrants for these arrests, it is allowed on both sides, that possession was taken of the North-West post of Fort William, by an armed party, consisting of men discharged from the late regiment De Meuron, who had been engaged in the service of the Earl of Selkirk, and a notarial copy of one of the engagements has been filed before me (No. 410.) On the part of the North-West company it is contended, that this proceeding was altogether an illegal and forcible entry, no resistance whatever had been attempted to the execution of the warrants to render the same necessary; and that the allegations of the opposite party, were a mere pretence for the seizure of the post.

John

Inclosure in Sir J. C. Sherbrooke's, of 30th July 1818; viz. Mr. Coltman's Report, &c.

(13th August 1816.)

John M'Donnell, one of the partners of the North-West company, who is chiefly accused of the attempt to resist, gave the following statement of what occurred in the joint deposition (No. 267,) made before the commissioners by himself, Allan M'Donnell and Daniel M'Kenzie, in support of the complaint for forcible entry; "That about three o'clock in the afternoon of the 13th August, he had a knowledge of "the departure of Mr. William M'Gillivray for the camp of the Earl of Selkirk, "accompanied by Mr. John M'Laughlin, and Mr Kenneth M'Kenzie, but had at that "time no knowledge of the arrest of Mr. M'Gillivray, understanding and believing the "party to be gone upon a visit to the Earl; and that John M'Nab (who appears by "the deposition of others, accompanied them, together with Donald M'Pherson) had "been the bearer of an invitation to that effect; that about six or seven o'clock the "same evening, he perceived two large boats filled with armed men in military "uniform, to the number of fifty or upwards, coming down the river from the camp "of the said Earl of Selkirk, and approaching to and landing at the wharf belonging to "the said Fort William, which may be twenty or thirty paces distant from the gate "of the said fort; whereupon suspecting some treachery, and that Mr. M'Gillivray, "John M'Laughlin and Kenneth M'Kenzie were detained by the Earl of Selkirk, and "that the armed force in the boats was coming to attack the fort, he immediately "went forward to shut the gates of the area or court-yard, and had already closed "one of the folding-gates, and was proceeding to shut the other, when he was pre-"vented by the influx of a considerable crowd of persons, and was immediately "arrested by the said M'Nab; whereupon he asked him by what authority it was "he so arrested him? In reply to which the said M'Nab showed him a paper, the "contents whereof he does not know, and that although he surrendered himself "immediately, and expressed every possible disposition to obey such arrest, yet there "was immediately a cry among the officers and soldiers by whom he was surrounded, "of 'Seize him, seize him,' and other expressions to that effect; and they did accord-"ingly violently seize him and handled him very roughly, as many of them laying "hold of him at once as could get near enough, and one Becher in particular, who "was amongst them, reaching his arm over the heads of the others, and presenting "a pistol at his head with the most violent threats and menaces; and that from the "number and strength of the soldiers who thus surrounded him, they actually lifted "him off the ground and dragged him in this state, and with the pistol still presented "at his head by the said Becher, down to the boats, on board of which he was put, "and afterwards crossed the river in canoes with Hugh M'Gillis, Simon Fraser, Allan "M'Donnell, Alexander M'Kenzie and Daniel M'Kenzie." To these details, Allan M'Donnell adds in the same deposition (No. 267,) a long statement respecting the seizure of the two small cannon, which usually stood near the principal building at Fort William, by a number of the soldiers (being the first part of the affair which he witnessed;) that he observed one of the soldiers had a barrel with the head open, apparently filled with cartridges for the said guns, and that the guns were taken down to the gate of the area of the said fort, and pointed outwards; that the said guns were he believes two-pounders; that he never saw any kind of shot or cartridges adapted to the calibre of these guns, nor does he believe there were any such in the said fort; the guns when fired as signals during a fog, or on rejoicing days, having always been charged with loose powder; that captain Matthey, captain D'Orsonnens, lieutenant Graffenried, and other officers and soldiers belonging to the late regiment De Meuron, had on the day preceding the attack on the said fort been on a visit there, and had amongst other things minutely inspected and examined the said guns; and that from the circumstance of their afterwards bringing in cartridges apparently adapted for the said guns, and the Earl of Selkirk's not having to his knowledge or belief any cannon of so small a caliber in his possession, he verily believed, that the said officers had so inspected and examined the said guns with a view to the making up, and had accordingly made up cartridges for the same; and John M'Donald, and Allan M'Donnell and Daniel M'Kenzie, farther severally add, that after being conveyed to the camp of the Earl of Selkirk, and taken before him, the said Earl suggested, that it was then too late to proceed to business, and directed them to be again conveyed back to Fort William, where they found lieutenant Graffenried on duty as commander of a guard of twenty or thirty soldiers of the Earl, who remained on duty that night, and as they believed in charge of the said fort and the prisoners therein; and that they themselves, and as they believe, the other gentlemen who were then in custody of the Earl and his partizans, were accordingly confined in their respective rooms.

The principal circumstances contained in the foregoing statement, are further confirmed by the respective depositions of John Theodore Missani, Charles Bramby

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

(13th August 1816.)

Robert M'Robb, James Chisholm M'Tavish, Ignace Nickanawaha, William M'Gillivray, Robert Grant and Robert Courie (Nos. 242, 243, 244, 245, 246, 250, 251, 253 and 254); and Mr. M'Gillivray states the additional facts, that before leaving the Earl of Selkirk's camp with a guard for the night, he gave his word, that no escape should be attempted, nor any molestation given to the guard during the night, and that the prisoners should return the next morning to the encampment; that on his arrival at the fort, he found it full of armed men (the De Meuron soldiers) apparently commanded by the captains Matthey and D'Orsonnens; that on his request to the former, the men were all withdrawn, except twenty men, with lieut. Graffenried, who remained to guard the prisoners; which officers, after placing several sentinels, retired to rest; that the watch of the fort was also kept up for the night, as usual; that he also found that all the papers and trunks found in the gentlemen's rooms had been sealed by Dr. Allen, as well as the desks and accounts of the North-West company in the counting-house.

Of the foregoing depositions, those of Messrs. Missani and Bramby will naturally be considered as more particularly important, from their being disinterested parties; they state "that they were actually within sight, and between the gate of the fort "and the landing place (the said places distant from each other about twenty yards) "at the moment that the two boats with the followers of the Earl of Selkirk came to "the said landing place; that they observed that John M'Nab, one M'Pherson, "captain D'Orsonnens and Mr. Allan, with some others, landed out of the said boats, "and walked up to the gates of the said fort, where John M'Donald, and Alexander "M'Kenzie, partner of the North-West company, were standing, together with "some other clerks and partners, amongst whom they believe was Hugh M'Gillis, "a partner of the company; that on the said M'Nab and others coming up to the "gate, some conversation ensued, which they could not hear, but believe it was "began by the said M'Nab; that in a few minutes however they distinctly heard "the said John M'Donald or Alexander M'Kenzie, and as they verily believe, the "latter, say aloud, 'Yes, but we cannot admit so many persons into the fort at "once;' and at the same time they saw that one half of the large gates of the fort "was partly shut to; whereupon captain D'Orsonnens called out to the remainder "of the party who had been left in the boat with Fouche, to advance, which they "immediately did, and rushed into the fort with their arms in their hands, hallooing "and shouting; that the said captain D'Orsonnens was himself armed with a "pistol and sword; that immediately afterwards they saw the said John M'Donald "dragged out of the fort in a violent manner by two of the men of the late regiment De Meuron, who were known to them by the military dress and appointments "worn by the whole of the armed force, although not in regular uniform; that a "few minutes afterwards they went into the fort, where they saw the men of the "late regiment De Meuron running about in different directions, but perceived no "attempt on the part of the partners of the North-West company to make any "resistance; that in the area of the said fort, there were two small cannon, which "they had frequently observed before, but had at no time seen them loaded, and "do not believe they were so at the period of the fort being entered; that these "cannon were taken possession of by the men of the late regiment De Meuron, and "were actually moving into the middle of the square at the moment of their entering; that on passing them shortly afterwards, they had occasion to observe "some irregularly made cartridges laying on the carriages, or near to the said "cannon."

Mr. Bramby further states, "that at the time the said John M'Nab advanced "from the boat to the gates, he had in his hand a paper;" and Mr. Missani also further states, "that at the moment the men of the late regiment De Meuron were "called forward, he was faced towards and looking at the gates of the fort, and "that he observed that the leaf of the gate which had been partly shut to, was still "in an oblique position, and not yet in the position it would occupy when shut, and "that the other leaf did not appear to him to be at all moved from its place when "open, and certainly was not so to any material degree."

The deposition of Robert Livingston, filed before me (No. 241,) has been much relied upon, as proving the previous intentions of the parties:—He states, "that he "was engaged as an agent to the Earl of Selkirk in the early part of 1816, and that, "in July he proceeded from Nattawasaque Harbour, in Lake Huron, in charge of "a division of canoes; that being arrived at Point des Chiens, at the entrance of "Lake

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" Lake Superior, they met captain Miles M'Donnell, who informed them of the " battle at Red River, and the destruction of the colony there. On the ensuing " day the Earl of Selkirk informed him, that their route must necessarily be changed, " and inquired if he had any objection to proceed by the way of Fort William, in- " stead of that of Fond du Lac, by which he was originally engaged to proceed with " his brigade of canoes, manned entirely by Canadians; to this proposition he gave " no immediate answer; but afterwards learning from the officers of the late regi- " ment De Meuron, who accompanied his Lordship, that in their opinion it would " be proper for him, on his arrival at Fort William, to call upon such of the North- " West partners as were magistrates, to assist in arresting and bringing to justice the " persons accused of the murders on Red River; and in the event of their not cor- " dially joining therein, to take other measures to obtain justice; and hearing " captain d'Orsonnens in particular declare as his opinion, that it would be proper " for his Lordship to seize Fort William, and hold it as an indemnity for the injuries " done him at the Red River, he determined to quit the party; remarking to the " said officers, that those who had least to do in such matters would be best off; and " that he should not like to be witness to matters which might perhaps require him " to proceed to England, and keep him years from his business, or words to the above " effect; accordingly, the next day, from those causes, and foreseeing that it would " be impossible to complete the journey to Red River, and return the same season, " according to his original agreement, he asked his discharge from Lord Selkirk, " which was granted with some reluctance."

On behalf of the Earl of Selkirk, on the other hand it is stated, that the taking possession of Fort William was a measure of precaution, necessarily arising from the conduct of the opposite party; the facts, in support of this statement, have been chiefly brought before me by John Allan, the medical attendant, and evidently one of the confidential advisers of the Earl; who in his deposition (No. 280) states, that in consequence of affidavits before his Lordship as a magistrate, respecting " the " conduct of the partners of the North-West company, and the part they had taken " in procuring and abetting the murder of Governor Semple, and others; and in " the destruction of the settlement at Red River, and other crimes; the Earl of " Selkirk, after having taken a number of depositions, which occupied great part " of the 12th and 13th days of August, issued a warrant for the apprehension of " William M'Gillivray, directed to John M'Nab and Donald M'Pherson; with " which, about three or four o'clock in the afternoon of the said 13th August, they " proceeded to Fort William; that they soon returned with Mr. William M'Gil- " livray, accompanied by Mr. Kenneth M'Kenzie and Mr. John M'Laughlin, two of " his partners, whose names were included in another warrant which his Lordship " had issued against divers partners of the North-West Company; and which he " immediately put into the hands of the said M'Nab and M'Pherson to be executed. " That the said M'Kenzie and M'Laughlin were consequently detained for exa- " mination. That immediately afterwards the Earl of Selkirk issued another war- " rant, addressed to P. Dodet D'Orsonnens and himself, which, after reciting that " there were good grounds of suspicion, that a traitorous conspiracy against the laws " and government of our Lord the King, had been carried on by the company of " merchants known under the name of the North-West company, or at least by " several persons, partners of the same; required the said D'Orsonnens and him- " self, or either of them, to repair to the Fort or trading post of the company, called " Fort William, and there (in presence of one of the chief clerks of the said com- " pany) to seal up all papers which might be found therein, belonging to the said " company, or to William M'Gillivray, and several others whose names were par- " ticularly and respectively mentioned in the said warrant, and to secure the same; " and also to secure all arms and warlike stores which might be found in the said " Fort." Of this warrant Mr. Allan annexes a copy marked F. to his deposition, and states, that he should have declined the duty imposed on him by the same, to the due fulfilment whereof he felt incompetent, " if he had been in a situation where " the magistrate might have had a choice of persons to perform it; and if he had " not believed it his bounden and moral duty, as a loyal subject, and as a Christian, " to give his aid, when lawfully required, for bringing to justice persons who had " instigated and procured the murder of their fellow subjects. That in virtue of " the said warrant he did repair to Fort William aforesaid, accompanied by the said " P. Dodet D'Orsonnens, Alexander Bridport Becher, Esq. of the royal navy, " and a Mr. Fouche, late a lieutenant in the regiment De Meuron. That at the

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" same time another boat proceeded to Fort William, conveying the said M'Nab " and M'Pherson to execute the warrant above-mentioned, for the arrest of the other " partners of the North-West Company then there; that on landing opposite the " gate of the Fort, he, with the five others above-mentioned, proceeded by them- " selves, and most of them without arms, from the boats to the gate; that at the " same time there were arms in the boat under cover, and with directions not to be " exhibited; and that the assistants should not stir from the boats without orders, " which were to be given only in case the execution of the warrants should be " opposed. That at the gate of the Fort the said M'Nab, with the warrant in his " hand, proceeded to arrest, in the King's name, John M'Donald and another " person; and was, in like manner about to arrest the others named in the warrant, " when it was demanded, and he was accordingly beginning to read it, but was in- " terrupted immediately by the said John M'Donald, who said, we don't know such " things here, and we will not allow so many people to come into the Fort, or words " to that effect. That he also heard the said John M'Donald, or some one near " him, say, we'll submit to no more warrants till Mr. Wm. M'Gillivray, and the " two gentlemen with him, were brought back; that at the same time Mr. Alex- " ander M'Kenzie (commonly called the Emperor) and John M'Donald. assisted " by a crowd of persons, of whom several wore side arms, attempted forcibly " to shut the gate, and in so doing pushed the said M'Nab and M'Pherson " back from within the threshold; that thereupon the said M'Nab requiring " support, the said D'Orsonnens called " Witschy, Witschy," to a person " of that name, and desired him to come with the men out of the boats to the " assistance of the persons charged with the warrant. That the gate was all but " completely closed, in spite of the exertions of the said D'Orsonnens and others, " who by pushing were endeavouring to prevent those within from completely " fastening it, when the men, who till called upon had remained in the boats, coming " with their arms, instantly pushed up the gate. That at that moment he observed " a crowd of people running from behind the gate into different parts of the fort, and " two of the men took the said M'Donald by the collar from within the said gate, and " conducted him to one of the said boats; that at the same time one of the men " unexpectedly blew a bugle at the gate, and in a few minutes afterwards Frederick " Matthey, Esq. formerly a captain in De Meuron's regiment, supposing that " further assistance might be required to support the execution of the warrants, came " from the encampment of the Earl of Selkirk, with about thirty men. That before " the arrival of the said Matthey, himself and others, with warrants, had entered into " the square of the fort, and proceeded to put the warrants in execution, the said " D'Orsonnens having secured, in the middle of the square, two small cannon " belonging to the fort, which previously stood near a building fronting the gate. " That the said Matthey, on his arrival at the gate, finding that no further resistance " was expected, sent the men back to the other side of the river, as he understood, " without causing them to go into the fort, while he himself came in to see what was " passing. That the warrant for the arrest of the prisoners having been submitted " to, he showed them that with which he and captain D'Orsonnens were charged as " before-mentioned, and requested them to nominate one of their chief clerks to be " present at its execution. That after a little deliberation they mentioned a Mr. Robert " M'Robb, as a person whom they wished to attend for this purpose, and himself " and the said D'Orsonnens, accompanied by Mr. Becher aforesaid, immediately " proceeded with the said M'Robb to an apartment, called the Office, where they " were joined by Mr. Jasper Vandersluys and Mr. John M'Tavish, two other clerks " of the North-West company. That the said D'Orsonnens inquired of the said " clerks, where were the arms belonging to the company; whereupon the said M'Robb, " taking up a large pole, with a broken bayonet at the end of it, which stood in the " corner of the office, said, 'We have no arms in the fort; this is all the arms we " have.' That himself and the said D'Orsonnens then proceeded, still accompanied " and conducted by one or more of the said clerks, to the rooms of the individual " prisoners, and had only finished putting seals on a cassette, containing papers, in " the room of the said William M'Gillivray, and on a drawer in the room of the " said Alexander M'Kenzie, when the partners who had been arrested returned from " the encampment of the Earl of Selkirk, having been permitted so to do (as he was " informed by the aforesaid Matthey, who, as he understood, had been there, and " had accompanied them back,) upon their promise that they would occupy their " own apartments, and attempt no resistance to the execution of the warrants; tha " he thereupon expressed to the said Matthey his regret at their having been allowed

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" to return before the sealing of their papers was concluded, because they could now " destroy them before that could be done. That the said D'Orsonnens and himself " still continued to go to the different apartments, generally in presence of the " occupiers themselves, to seal up the ordinary repositories of papers, and, when " arrived at the door of the aforesaid John M'Donald, found the same locked, and, " upon asking him for the key, were told by him that his little girl had run off with it, " upon which he went to execute the same duty in another apartment; and on " returning again to M'Donald's, he opened the door, when the desk therein was " found standing open, and entirely empty, which at once excited suspicion (as the " said M'Donald had not before stated that he had no papers) that the same had " just been removed, and he understood next morning that his suspicions were just, " from the information of one Paget, who stated before the Earl of Selkirk, on oath, " that he had burnt a quantity of papers at that hour in the kitchen-fire, by order of " the said John M'Donald, who had delivered them to him for that purpose. That " he was also told by the said Alexander M'Kenzie, while still continuing to put " seals as before, that he (M'Kenzie) would break the seals which confined his " papers; upon which he told him he had better not, and shortly afterwards repre- " sented to the said Matthey the inutility of affixing seals, unless some stronger " measure than a piece of wax were adopted to prevent their being broken. To " which the said Matthey replied, that the Earl of Selkirk, as a magistrate, had " allowed them to return to their own apartments on their word of honour, and that " to keep a person to watch in them, under such circumstances, would be too harsh " a proceeding. That before he had finished affixing the seals it was near eleven " o'clock at night, and as the Earl of Selkirk had placed his reliance on the promise of " the gentlemen under arrest, that no violence should be attempted, himself and said " D'Orsonnens agreed to defer the search for arms, and the removal of the papers " from the fixed desks in which most of them were kept, until the next morning, and " accordingly went back to the Earl of Selkirk's tent to desire his advice; but before " his arrival the said Earl had retired to rest; that he tried to speak to him, but " finding it difficult to wake him, determined to wait for further instructions till next " morning."

Several of the principal facts contained in the foregoing statement, particularly that of the attempt at resistance to the execution of the warrants, are confirmed by the depositions of Peter Montgomery, Jacob Witschy and Proteus Dodet D'Orsonnens (Nos. 281, 283 and 286,) particularly by that of the last, who states, "that " Mr. M'Nab, with the warrant in his hand, arrested in the King's name, John " M'Donald and Alexander M'Kenzie, when they demanded his authority, and as " he was beginning to read the warrant, they shut the gate forcibly in his face, and " pushed him outside the threshold with considerable violence, themselves withdraw- " ing within the gate, and saying, they knew no such things as warrants in this " country, and would not submit to any till Mr. M'Gillivray and the other gentle- " men returned; that one-half of the gate was quite shut, and the other nearly so, " when he interposed to prevent it, and Mr. M'Nab asked him to assist him, upon " which he called to the men for support, who till that moment remained as they had " been desired, in the boats; that they seizing their arms, instantly rushed to the " gate and forced it open; that after the gate was open, he addressed John M'Donald, " telling him, he ought to submit peaceably to the warrant, and received for answer, " that he would only submit at the last extremity, and there would be bloodshed first, " calling out aloud at the same time, "make haste, make haste," whereupon conceiving " that the people whom he saw running inside the fort, were preparing to make " resistance, he immediately caused John M'Donald to be seized, and conducted " by force to one of the boats, to prevent the bloodshed which he threatened." Jacob Witschy, in his deposition, details what took place respecting the two cannon, which he positively says, were found unloaded, and were not at the time loaded by them from want of ammunition, and because he had received no order to do so.

On evidence so opposite as that of the two parties, and delivered on both sides by persons of apparently fair character, and which it seems impossible to reconcile by any reasonable allowance for the general confusion of the scene, the only proper course appears to be to suspend all opinion till the matter can be decided in open court, with all the advantages of *viva voce* evidence, and the confronting of the opposite parties.

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Mr. M'Gillivray states in his deposition (No. 251,) that "Captain Matthey came " into the fort in his uniform, at the head of a body of men armed with muskets and " fixed bayonets; sentinels were placed at the hall door (soldiers of the 37th " regiment,) and in different parts of the fort; Mr. M'Gillivray entered a solemn " protest against the armed force coming into the fort, and delivered the same in " writing, signed by all the partners of the North-West company, then prisoners, " into the hands of the Earl of Selkirk; protesting against him, against all the " officers by name, and against all concerned; his Lordship said he would take the " responsibility; Mr. M'Gillivray then asked, whether it was his intention to impede " or put a stop to the business; he said, not to the lawful or legal business of the " North-West company; Mr. M'Gillivray replied, there was no illegal business car- " ried on by the North-West company; his Lordship said, upon that there might be " a difference of opinion; Mr. M'Gillivray asked the meaning of thus taking mili- " tary possession of the fort; he was answered, they must take measures for their " own defence, as they had been informed that arms and ammunition had been " conveyed out of the fort in the night, and that several canoes had been sent off; " (this was positively false;) true, seventy or eighty Indian fusils had been " placed in an outhouse, and eight kegs of powder had been carried out during the " night, on a supposition, that what was in the fort of these essential articles, might " be seized, which appeared probable from the proceedings of his Lordship; the " fusils were found and taken away by order of Lord Selkirk during the day. " Mr. M'Gillivray then informed the Earl, that he and Mr. Kenneth M'Kenzie, the " other agent of the North-West company, had appointed the clerks in their different " stations, to go on with the business; he asked their names, and expressed great " satisfaction that there had been so many to take charge of the business; he then " requested Mr. M'Gillivray to show him into some empty room, where he might " examine witnesses, and intimated, that all the prisoners should confine themselves " to their rooms, to be out of the way of the evidence, and that servants should " convey them their meals. After the partners retired to their rooms, an armed " sentinel, with fixed bayonet, was placed at each door; and a few hours after they " were ordered by Mr. M'Nab, on the part of his Lordship, *to one house*, until their " examination should take place. His Lordship then ordered all the canoes (fifteen " of which were ready to start for the interior, with goods for the natives) to be " sent into the fort, which was done by the men; he then ordered all the North- " West company's men to leave their camp at each end of the fort (the usual " places,) and immediately to cross the river, which they did; he demanded the " keys of the stores, which were refused, upon which he observed, that he would " find keys, and that very soon. At night, a general search, under a warrant from " Lord Selkirk, was made in all the rooms in the fort for small arms, and all the " trunks of the prisoners searched for papers, pistols, daggers, &c. which were taken " away; Dr. Allen, Mr. M'Nab and captain D'Orsonnens were the persons making " this search; some men with implements to break doors, &c. accompanied them, " and one door was actually burst open." Several of the principal circumstances mentioned in the above statement, are confirmed by various other depositions (Nos. 242, 243, 245, 246, 253, 254 and 270,) filed on the part of the North-West company; and the accounts thereof contained in the depositions (Nos. 280, 281, 282, 283, 284 and 286) filed on behalf of the Earl of Selkirk, are nearly similar in substance, but state the following circumstances, which are dwelt upon as showing the necessity of the subsequent measures adopted.

That the seals in the rooms of Alexander M'Kenzie and John M'Laughlin had been broken; that a quantity of papers had been burnt at the kitchen fire; and that part of the guns, which had been found concealed in a hay-lott, were loaded with ball, and had apparently been fresh primed the night preceding. After these discoveries, it is stated in the depositions of P. Dodet D'Orsonnens (No. 286,) that " their tents were removed from the opposite bank of the river, and pitched in front " of the fort; and the servants of the North-West company, who had previously " been encamped all around the fort, were sent to the opposite bank of the river, " except the Iroquois, who were considered least under the control of the North- " West company, having positively refused, as two of them told himself, in presence " of captain Lorimier of the Indian department, to make use of loaded arms, which " they had been pressed by Hugh M'Gillis, a partner, and some clerks, to employ " against the persons charged with the warrants."

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This last mentioned attempt at resistance (the only specific charge of this nature, except that alleged against Alexander M'Kenzie and John M'Donald, at the moment of entering the fort as already mentioned) is also stated in the deposition of Joseph Sans-facon (No. 283,) a voyageur, engaged to the North-West company, but who left their service, and entered into that of the Earl of Selkirk after the capture of Fort William; he deposes, that at the moment that the persons charged with the warrants against the North-West partners, arrived for the purpose of executing them, one of (14th August 1816.) the partners of the said company, Hugh M'Gillis, came out of the fort, calling out to their servants, "Aux armes, aux armes;" and finding they would not take up arms, he called them a parcel of old women; that about the same time one Jean Marie Boucher, also endeavoured to make them take up arms, but could not induce the men to resist the arrest; that the next day, or next day but one, he saw a quantity of arms brought into the fort, which had been hid in a hay-loft for the purpose, as was reported by several of the servants of the North-West company, of furnishing arms to the Iroquois to attack the Earl of Selkirk's people. Louis Blondeau, another voyageur, who also left the service of the North-West company, and engaged in that of the Earl of Selkirk, states in his deposition (No. 284,) that having learnt, during the night, the concealment of the arms, immediately next morning he wrote a note to Lord Selkirk, containing information that arms were concealed in the hay-loft; that Lord Selkirk on receiving the note, immediately came to see him, and took him by the hand, squeezing it, and saying he had rendered him a service, and saved him from a great danger; that thereupon the Earl of Selkirk gave a search warrant for the arms, which were found, and that afterwards the Earl took possession of Fort William; he further adds, that he firmly believes, from the violent and sanguinary character of several of the partners of the North-West company, and others of their people, then at Fort William, and from circumstances which have come to his knowledge, that neither the life of Lord Selkirk, nor those of his people, would have been in safety, if he had remained in the meadow where they had at first encamped, but that the said Earl, and those with him, would have run great risk of being massacred like the people at Red River, if he had not immediately taken possession of Fort William; and that he has since heard several of the North-West company's servants say, that the arms had been hid, in order to afford them the means of destroying those people who had charge of the prisoners in the fort; and that afterwards Lord Selkirk, being encamped with his people in a meadow, it would be easy for the people in the fort, being more numerous, to attack and destroy those of his Lordship. John Allan annexes a copy of the second search warrant, issued by the Earl of Selkirk, to his deposition (No. 280, letter G.) but by the terms thereof, it appears evidently that it was not issued till after the arms had been found; Mr. Allan further states, that he was occupied almost the "whole day, in making up into parcels, and sealing the papers which remained un-"burnt; that this was done in the presence of the said Vandersluys, who took memo-"randums, as he had also done the day before, of all that was done, and while he "affixed the seal of the magistrate on the said parcels, the said Vandersluys affixed "another seal thereon on behalf of the North-West company; that after this, the "said parcels of papers, together with the arms belonging individually to the partners "under arrest, on which were tied labels with the names of those in whose possession "they were found, were placed in a room by themselves; that subsequently a selec-"tion of papers was made from the great number in the desks of the public office, "or writing room, which being made into parcels were in like manner sealed up, and "were sent with the rest to Montreal under charge of Archibald M'Donald, where "he has understood they were received and opened by the proper authorities, but "that the Earl of Selkirk did not examine them." With regard to the mode in which the arms found in the hay-loft were ultimately disposed of, the evidence is contradictory, and not very clear on either side; at the same time, as it was on this occurrence and the circumstances therewith, that the warrant for felony against the Earl of Selkirk was obtained from the magistrates of the western district of Upper Canada, the subject has naturally formed an object of my inquiry.

On the part of the North-West company, Robert M'Robb, one of their clerks, in his deposition (No. 245) states, "that when Fort William was taken forcible pos-"session of as aforesaid, eight of the North-West company's canoes, destined for "the interior country, were then ready to receive their loading for the purposes of "trading; that foreseeing Lord Selkirk would not permit the said canoes to depart "with the usual arms and ammunition on board, he assisted in conveying out of the "fort, forty Indian fusils, in four cases, and as many more to be put into four other

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" cases; and eight kegs of gunpowder were also conveyed out of the fort, in the " course of the evening of the thirteenth day of August, eighteen hundred and " sixteen, for the sole and only purpose of being put into the said canoes, as part " and usual proportion of said loading;" and he further adds, " that prior to the " capture of Fort William, no preparation had been made to defend it; and that " during his stay in the said fort, up to the third day of September one thousand " eight hundred and sixteen, no preparations whatever had been made to recap- " ture it."

James Chisholme M'Tavish, another clerk of the company, in his deposition (No. 246) states, that at the period Fort William was forcibly taken possession of, " there were eight or more canoes destined for the departments of Red River, " Bas de la Riviere, and Lac la Pluie, ready to receive their loading, as customary " for the purposes of trade, and that it being apprehended from the previous conduct " of the Earl of Selkirk, that he would not allow the usual supply of arms and am- " munition to go forward, although little or no apprehension was then entertained of " his stopping the trade, although he himself assisted in conveying out of the said " fort, four cases of arms, such as usually contain ten trading guns, and depositing " the same in an out-building, for the purpose, if necessary, of shipping them by the " said canoes, without the privity of the said Earl; that he has also been informed, " that a quantity of gunpowder had been removed for the same purpose; that the " said arms and ammunition were about the usual supply sent with the canoes afore- " said, and were by no means intended to make any resistance to the proceedings " of the said Earl of Selkirk, as a magistrate; that a part of the guns were loaded, " a circumstance not uncommon with those guns which are shipped loose in the " canoes; that on the fourteenth day of August (being the day following,) the said " arms were discovered and seized, and he saw the same conveyed into the said fort, " by part of the armed men of the late regiment De Meuron; that the four cases he " saw some days after at the guard-house established by the said armed force, under " one of the provision stores." He adds, that the whole of the said guns " were " kept forcible possession of by the armed men aforesaid, and were not ever placed " with the arms which had previously been seized under the warrant for searching " for arms and papers, of which a regular account had been taken in the presence of " Mr. Jasper Vandersluys, or other clerks of the North-West company; nor were " the said guns ever subsequently delivered over or accounted for, to the said Jasper " Vandersluys and himself, who had been jointly authorized, with the acquiescence " of the Earl of Selkirk, to take charge of the property of the North-West company, " on the arrest of the partners, amongst which property was a considerable quantity " of other arms; and that he afterwards saw some of the armed men of the late " regiment De Meuron, with similar guns in place of the muskets and bayonets " which he had previously seen in their possession." And he further adds, " that at " no time previous or subsequent to the capture of the said Fort William, up to the " 4th day of September inclusive, when he left the same, was any attempt at resistance " or movement for the recapture of the said fort, made by the North-West company, " or any c_ their partizans."

Pierre Le Blanc, J. B. Masta, and Vincent Dauphin, in their respective depositions (No. 247, 248 and 249,) depose to the seizing, taking and carrying away of the guns in question by an armed force; and the two former add, that they saw several persons in the service of the Earl of Selkirk, with fusils, which they certainly believe to have been part of those so seized, taken and carried away; that the said persons told them that the fusils which they had, were those which had belonged to the North-West company; and Mr. M'Gillivray, in his deposition (No. 251) states, that on the 16th August the fusils in question were taken out of the fort into his Lordship's camp.

On the part of the Earl of Selkirk, John Allan in his deposition (No. 280) states, that the arms in question, as he " has been informed, were put into the custody of " Serjeant Pugh, and afterwards removed into the fort, with the other warlike stores." Peter Montgomery, in his deposition (No. 281) states, that he cannot say how the cases of guns or loose arms were ultimately disposed of; but that he saw the said cases lie for several weeks afterwards, apparently unopened, under one of the stores. And Jacob Witschy, in his deposition (No. 282) states, that the day after the arrest of the North-West partners, he saw forty trading fusils brought into the fort, which were loaded with ball, and had the appearance of being newly loaded; and that they were placed

placed in the guard-house within the fort. That there were also four cases of fusils, which were not opened. That the next day or day after, the forty fusils before-mentioned were carried to the tent of the 37th regiment, and that he saw them for several days afterwards in charge of the men of that regiment; that the four cases of arms were placed at the entrance of the fort, under one of the stores raised on posts, which stand near the gate of the fort; and that he saw them there a long time without being opened, whilst he remained at the said fort.

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

(13th August 1816.)

John Allan in his deposition, states further, that on the 31st December 1817, he arrived with the Earl of Selkirk at Albany, and thence proceeded by way of York to Sandwich, where the Earl, captain D'Orsonnens and himself, were examined on the 16th January, before a special session of the magistrates, who entirely discharged the warrant of arrest, signed by François Baby, Esquire, for feloniously stealing the fusils above-mentioned; which warrant had been entrusted to William Smith. Of this discharge, he exhibited an original copy to me, and has annexed to his deposition, a copy of that paper (marked M.) He states also, that "on this occasion the magistrates, on comparing two affidavits, both signed by M'Tavish and Vandersluys, "and on one of which the warrant had been issued, declared themselves perfectly "satisfied that no felony had been committed. That the said William Smith "endeavoured to induce the court to issue an attachment for contempt, against the "Earl of Selkirk; but the magistrates declared themselves satisfied that the resistance "to the writ of restitution, and also to the warrants, had originated in motives "different from contempt of their authority. That he afterwards gave securities in "small sums, as did also the Earl of Selkirk, and captain D'Orsonnens, for offences "alleged against them by Mr. Henry Bolton, for the Crown, and by William Smith "aforesaid;" of which latter fact he has also annexed to his deposition, the copy of a certificate (marked T.) from the chairman of the quarter sessions. He further states, that although accused of feloniously stealing the said arms, he had never so much as seen the place whence they were taken; and that "Jasper Vandersluys and "James M'Tavish, when they took the affidavit, dated the 19th October 1816, "accusing the Earl of Selkirk, himself and others, of feloniously stealing and carrying "away 83 Indian fusils, on which the warrant for their arrest was issued, had a "knowledge that the fusils so sworn by them to have been feloniously stolen, had "been secured after a warrant was issued to secure the arms and warlike stores "belonging to the North-West company, to prevent their being employed in resistance to the law."

As the occurrences of this day, and the events connected therewith, will probably be brought by the parties before the superior courts for decision, it is unnecessary to enter into any detailed observations thereon; at the same time it may not be amiss to remark how much the charges made on each side appear to be exaggerated; there seems but little reason to doubt, that the cause for which the arms were concealed, is truly stated by M'Robb and M'Tavish; at the same time the circumstances were such as might naturally create suspicion, and lead to the measures of precaution adopted by the Earl of Selkirk and his followers; on their part, however, there does appear to have been considerable irregularity in the mode in which the seizure was made, and some reason from the evidence to suspect an ultimate illegal conversion, although there is not the smallest proof of this having taken place with the knowledge of the Earl of Selkirk; and was even the contrary the case, every impartial person would attribute the proceeding rather to a mistaken opinion of right, under the idea his Lordship appears evidently to have entertained, that the violences committed by his adversaries, were to be considered as acts of treason and rebellion, than to any possible design of felonious conversion for his private advantage. It is easy, however, at the same time to conceive, that the circumstances of the case being stated by M'Tavish and Vandersluys, to their legal advisers, with the exaggeration naturally incident to party spirit and exasperated feelings, might by these latter, imperfectly acquainted as they were with the state of the country, be *bonâ fide* considered as felonious; and also, that under their advice, M'Tavish and Vandersluys might take the affidavits above-mentioned, without being conscious of any criminality attaching thereto.

Mr. William M'Gillivray and all the other partners under arrest, with the exception of Daniel M'Kenzie, were sent off prisoners to York, after having been examined on the 15th by the Earl of Selkirk, in presence of captain Matthey,

On the 18th August 1816.

captain Lorimier of the Indian department, Mr. Becher of the royal navy, Mr. John M'Nab and Mr. John Spencer, on the charges hereinbefore detailed.

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1816; viz. Mr. Coltman's Report, &c.

Mr. William M'Gillivray, in his deposition (No. 251) states, "the canoes intended for himself and Mr. Kenneth M'Kenzie, although nearly finished, were "refused, and crews of Iroquois were appointed in place of those usually employed "for the canoes of the agents; that his own body servant was not allowed to accompany him, under pretence that he must undergo an examination; that the "canoes were very much loaded and embarrassed with people; Mr. Kenneth "M'Kenzie's had twenty-two grown persons on board, and being rather smaller "than the others, filled and upset in a gale of wind near St. Mary's, on the 26th "day of August, when Mr. Kenneth M'Kenzie and eight of the men were unfortunately drowned."

The circumstances above stated by Mr. M'Gillivray, are still more fully detailed in the joint deposition of John M'Donald, Allan M'Donnell and Daniel M'Kenzie (No. 167.)

On the 23d August 1816.

John M'Gillivray, a partner of the North-West company, was sent down under a warrant of commitment to York in custody, as John Allan in his deposition (No. 280) states, he understood of Lieutenants Missami and Bramby. The particular facts which led to this commitment, have no where been stated before me, nor from what cause he obtained his liberty, and has not since been proceeded against in any shape. Mr. Allan states indeed, that he (John M'Gillivray) denied all participation in criminal designs or attempts against the colony; that he refused to say he had ever objected to the expenditure of the company's money, occasioned in producing the destruction of the colony; but stated, that any objection or protest of his as an individual, would have but little weight against the measures approved by the concern in general; that the papers found in his canoe were taken by a warrant, sealed up, as others had been, without examination, and set apart to be sent to Montreal.

On the 3d September 1816.

All the clerks of the North-West company, with the exception of Messrs. M'Tavish, Taitt and Kennedy, left Fort William, as did Mr. M'Tavish, the day after; the latter having previously requested Mr. Allan, as stated by the latter in his deposition (No. 280), to accompany him to the North-West company's office, of which they jointly sealed up the keys in a small box, which was delivered to Mr. Taitt, whom M'Tavish left in charge of the North-West company's property. It is stated on the part of the North-West company, in the deposition of the said M'Tavish (No. 246), that from the 14th day of August to the 4th day of September, "the Earl of Selkirk remained in the forcible possession of Fort William, and all "the buildings, goods, peltries, furs, provisions and moveable property of every "kind therein, belonging to the said North-West company, and prevented the said "North-West company, their agents, clerks and persons in their employ, to the "number at least of two hundred and fifty, from transacting the business of the "said North-West company, positively refusing to allow them to send their goods "into the interior of the country, for the purpose of their trade and commerce, or "to send their furs or peltries down to Montreal aforesaid, the whole of the said "property of the said North-West company, being from the time the said Earl of "Selkirk entered the said establishment of Fort William, entirely at his disposal; "that the goods in the said fort, belonging to the said North-West company, were "of the value of twenty thousand pounds of sterling money of Great Britain, and "upwards; that the said peltries and furs were of the value of seventy thousand "pounds of sterling money aforesaid, and upwards, and that the said provisions "and moveable property were of the value of ten thousand pounds sterling money aforesaid and upwards; that on the 15th day of August last past, at Fort William, the said "captain Matthey told him in the presence and hearing of the said Earl of Selkirk, "that the soldiers, meaning the armed men in the uniform of soldiers, in the service "of the said Earl of Selkirk, on hearing the first report of a gun or pistol on the outside of the fort from a Canadian or Indian, would most certainly revenge themselves on the prisoners, and perhaps on himself (the said M'Tavish), and as they "had been trained and accustomed to bloodshed on the Continent, they would stick "at nothing; that on the 17th day of the said month of August, an officer with an "armed sentry took him before the said Earl of Selkirk, who ordered him to prepare "three canoes, with the usual provisions for twelve passengers; that in the night "of the day last aforesaid, a man of the name of Landrieux, in the service of the

"said

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

(3d September 1816.)

"said North-West company, was taken up and confined in the guard-house, by "armed men in the service of the said Earl of Selkirk, for getting out of bed after "ten o'clock at night; that on the 22d of the said month of August, some of the "men in the service of the said Earl of Selkirk, entered one of the said buildings of "the said North-West company, employed as a carpenter's work-shop, and there "took the wood and timber belonging to the said North-West company, for the "purpose of making carriages; that he called on the said Earl of Selkirk, in his "capacity of a magistrate, and represented to him the conduct of the said men in "taking the said wood and timber, and also the conduct of the men in the service "of the said Earl of Selkirk in other respects, and asked redress on behalf of "the said North-West company; that the said Earl of Selkirk told the deponent "that he would not interfere, that he would not endanger his life to protect the "property of the North-West company, and that he did not know whether "the soldiers would obey him if he told them to desist; that on the day last "aforesaid, a canoe arrived at Fort William aforesaid, with dispatches for the said "North-West company, among which dispatches were several copies of the "proclamation of His Excellency the Governor of the said province, of the 16th "day of July 1816; that the said dispatches and proclamations were taken by the said "Captain Matthey, by the orders of the said Earl of Selkirk, and kept and detained "by him; and notwithstanding his representing the necessity of forwarding the said "proclamations to the interior of the Indian country, and offering to forward them, "the said Earl would not permit them to be forwarded; that on the 23d day of "August, the said captain Matthey, in his presence, told one Jasper Vandersluys, "one of the clerks of the North-West company, who had some dispute with the "soldiers respecting the key of the carpenter's shop, which the said Jasper Vander-"sluys refused giving up to them; that he (meaning the said Jasper Vandersluys,) "had better leave his (meaning the said captain Matthey's) men alone, for that one "of them told him, that he would take an axe and break his skull, and if the row "once commenced he did not know where it would end, perhaps in bloodshed and "burning the fort; that from the 29th day of August to the 4th day of September, the "day on which he was sent from Fort William aforesaid by the said Earl of Selkirk, "the said Earl and several of his men were tampering with the men in the service of "the said North-West company, enticing and seducing them to desert and abandon "the service of the said North-West company, in which they were engaged by "written contracts; sometimes commanding them in the King's name to perform "voyages to different places for the said Earl of Selkirk, and at other times, and par-"ticularly on the 2d day of September, the said Earl of Selkirk addressed the men "in the service of the North-West company, and told them, that he would cancel "all engagements, and stand all consequences; and on the same day one Letemps, "a man in the service of the North-West company, was confined in the guard-house "by persons in the service of the said Earl of Selkirk, for refusing to enter the "room where the said Earl of Selkirk was addressing the men; that he himself "advised the men in the service of the North-West company not to break their "engagements with the said North-West company, or suffer themselves to be "seduced from their duty; that in consequence of this the said Earl of Selkirk "accused him of receiving stolen goods, and on the said 4th day of September sent "him down to Montreal without a warrant; that the said Earl did not examine him "respecting any charge whatsoever against him, and that he verily believes that the "said Earl made use of his office and authority of Justice of the Peace, to send away "himself and the other clerks in the service of the said North-West company "from Fort William aforesaid, because they advised the men in the service of the "said North-West company not to break their engagements, or suffer themselves to "be seduced from their duty." The general tenor, and many of the circumstances contained in this statement, are confirmed by the depositions of Lieutenants Missani and Bramby before-mentioned (No. 242 and 243,) of William M'Gillivray, and of John M'Donald, Allan M'Donnell, and Daniel M'Kenzie, partners of the North-West company (No. 251 and 267,) of Robert M'Robb, William Henry, Richard Grant, Robert Cowie and James Taitt, clerks of the company (No. 245, 252, 253, 254 and 270) and by those of John Spatts, Joseph Gunnerman, Joseph Vandal, John Baptiste Wells, Jacques Letemps, Antoine Colin, William Morrison and Michael Chretien, engaged servants of the said company (No. 255, 256, 257, 258, 259, 260 and 278,) particularly as to the inducements held out to many of them to break their engagements, and the ill-treatment of such as would not do so. By the depositions of Missani and Bramby, it further appears, that previous to their depar-

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

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ture, about the 23d August, the Earl of Selkirk had taken up his quarters at a house formerly occupied by the gentlemen of the North-West company, and that some of the Earl's people were also quartered in other apartments and buildings within the fort; this appears from the general tenor of Mr. William M'Gillivray's deposition, not to have been the case 'till after his departure; and Robert Cowie, in his deposition expressly states such to be the fact, and that it was on or about the 19th of August that the Earl of Selkirk took personal possession and commenced living in the fort; by the depositions of Mr. Wm. M'Gillivray and John M'Donald, Allan M'Donnell and Daniel M'Kenzie, complaints are made of the severity with which the prisoners were treated, in being removed from their own lodgings into one building, and there confined in separate rooms. Of the communication with their clerks and other servants (with the exception of two or three allowed to bring them their meals) being prevented, Messrs. Missani and Bramby being also told to discontinue their visits, (which however these gentlemen refused to do unless force was used, but confined themselves to two short visits a day;) they further also complain of the interruption caused to their trade by their servants being prevented working as usual, particularly the canoe-makers, and other men who had lodged in the fort for the purpose of carrying on the necessary work, being turned out and sent across the river; and of the detention of their canoes for the interior, for which the uniform reason said to be assigned was, that the exigencies of the business must give way to the course of justice, and that a few days would make no difference; and they finally allege, that of the men whose affidavits were taken by the Earl of Selkirk, several were imprisoned in the first instance, and when frightened examined upon oath; proceedings which, although perhaps in some respects irregular, yet appear by no means inconsistent with a *bonâ fide* intention on the part of the Earl of Selkirk, of promoting the ends of public justice as a magistrate.

Some of the subsequent alleged proceedings on the part of his Lordship, can however scarcely admit of this justification; such as the refusal on the 22d August, of taking steps as a magistrate to prevent the plunder and destruction of the North-West company's property, as hereinbefore mentioned to have been stated by Mr. M'Tavish; the taking possession on the 2d September of the keys of the provision stores of the North-West company, and directing that no provisions should be issued except by the order of captain Matthey, as stated in the depositions of M'Robb and Cowie; the preventing any furs from being sent down to Montreal, or any goods into the interior, whereby the trade of the North-West company was entirely stopped, as stated in the various depositions, but more particularly in those of M'Tavish, Cowie and Grant; the sending away from Fort William the principal clerks of the company, James M'Tavish, on a charge of receiving stolen goods, but without (as stated by him in his deposition) any warrant, and Robert M'Robb, Robert Cowie and Richard Grant, under subpœnas to appear as witnesses on an accusation against William M'Gillivray, for conspiracy, an original copy whereof is annexed to M'Robb's deposition, but without (as stated by all three) any previous examination whether they had a knowledge of any facts relative to the charge; circumstances which certainly tend to give a colour of probability to the allegation, that the real motive of their being thus sent away was the better to enable the Earl and his partizans to induce the voyageur servants of the North-West company to break their engagements, and to conduct his Lordship's canoes into the interior; an object which appears to have been of material importance. M'Robb in his deposition, states, that "he heard his Lordship tell Mr. M'Tavish, that he must not dissuade the men; "that if he did, it would be at his peril;" and "that he was informed by the men "that they were commanded in the name of Government;" and the men themselves in their depositions already mentioned, recapitulate the various means used to induce them to violate their engagement, as sometimes threats, sometimes promises; on other occasions increased wages and cheaper supplies, together with the alleged commands of Government, and assurances that the North-West company would never return; that many of the partners would be hanged, and that the country belonged to them (the Hudson's Bay company's party;) and lastly, by the imprisonment, in some cases, of those who appeared most zealous in the service of the North-West company.

On the part of the Earl of Selkirk, John Allan, who alone enters into the details of this period, on his Lordship's behalf, gives a statement, which without directly contradicting the facts stated in the other depositions, shows in some degree the impressions under which the Earl may have been gradually led to the adoption of the

course

course of conduct pursued by him, without himself perhaps being sensible of any impropriety; he states, "That on the 20th August, in consequence, as he believes, of "information laid before the Earl of Selkirk, on oath, a warrant was issued for "searching Fort William; and a quantity of furs, between 30 and 40 packs, as he "understood, were found, of which certain individuals in the service of the Hudson's "Bay company had been robbed in the Qui Appelle river, by persons employed by "the North-West company. That the said furs were stated to have been re-packed "at Fort William." That in the course of searching Fort William for stolen goods, about twenty bales, intended for Red River department, were discovered; that these contained the habilliments for the Brulés hereinbefore mentioned, and particularly referred to in the Earl of Selkirk's letter to the Attorney General of Upper Canada. "That these bales were set apart by Lord Selkirk's orders, and afterwards sent to the "Sheriff at Montreal, to be produced as evidence when required by the Attorney "General. That in consequence of these discoveries and others, showing the joint "purpose of the North-West company against the settlers, Lord Selkirk determined "to pass the winter at Fort William, stating to him (Allan,) that he conceived "himself bound to deliver up the place to Government, since it had been used by "the North-West company as a rendezvous of robbers and murderers, and the "receptacle of their plunder; and that he also considered he had a right in law to "hold in his possession the property of the North-West company contained in the "fort, as a pledge to secure the reparation of the damages they had done to his "property, and to that of his settlers and others under his protection at Red River. "That on the 25th August, M^c^Tavish and Vandersluys having applied to Lord "Selkirk for permission to send goods to Red River and Lac la Pluie departments, "were informed by his Lordship, that he considered Mr. Alexander M^c^Donnell, of "Red River department, and the servants of the North-West company, who, under "his orders, had dislodged the settlement, and murdered Governor Semple, to be in "a state of rebellion against the Government, and that therefore he could not be "justified if he allowed any supplies to be sent to them, or to any place within their "reach. That on the 26th August Mr. Pritchard set out for the interior with the "proclamations of Sir John Sherbrooke, dated 16th July, intended to prevent "violence in the country, but was much afraid he would be stopped by the servants "and partners of the North-West company on the way, especially at Bas de la "Rivière, which he himself had seen them fortifying with some of the artillery of "which they had plundered the settlement. That the same day he (Allan) was "present when Lord Selkirk proposed to M^c^Tavish and Vandersluys, as representing "the North-West company, to draw up an agreement for submitting to arbitration "such of the injuries which had been mutually sustained in the interior, as would "admit of compensation in damages. That upon this they seemed much pleased, "and Vandersluys smilingly said, that he hoped some arrangement would also be "made by his Lordship for releasing the gentlemen who had been sent off prisoners. "That to this Lord Selkirk replied, it was a matter wholly out of his power, resting "solely with the Attorney General, and had nothing to do with the arrangement "which he spoke of, which was to extend only to pecuniary damages. That Lord "Selkirk afterwards sent to them a written proposal on this subject, which they "answered next day, declining to enter into the arrangement proposed. That on "the 27th August, the weather beginning to be very cold, the men struck their tents, "which were outside the fort, and entered for their quarters one of the buildings "which was vacant. That on the 28th August the furs of the Hudson's Bay "company, before-mentioned, were sent off to the Sheriff of Montreal to be produced "in evidence, and that on the 29th, the goods of Lord Selkirk and the Hudson's Bay "company, which had till then remained in the boats, were lodged in one of the "buildings." Mr. Allan annexes to his aforesaid deposition copies of various letters and extracts of letters from the Earl of Selkirk (marked D. I. K. L) to Sir John Sherbrooke, in explanation of his Lordship's proceedings; and he closes his deposition by stating, that he has been informed and believes, that the engagement of the men of the late regiment De Meuron was communicated to his Excellency Sir John Coape Sherbrooke, by letter dated the 16th June 1816, by the Earl of Selkirk, and had previously been stated verbally to General Wilson, when administering the Government.

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

(3d September 1816.)

John Johnston, Esq. of the Sault St. Mary's, at that time a magistrate for the Indian territories, arrived at Fort William, as attorney and agent for the North-West company, in virtue of a regular power of attorney to that effect. It appears by his deposition

On the 6th September 1816.

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

(6th September 1816.)

deposition (No. 266,) the whole of which, as the evidence of a disinterested man of character, is most highly important. That after exhibiting his power of attorney, "he demanded the evacuation of Fort William by the Earl and his followers, and "the safe delivery thereof to himself, as agent of the said North-West Company, "together with the property therein contained. To which request the said Earl "gave for answer, that the said Fort was held, together with all the stores, goods, "and packs therein, as a pledge, until retribution was made for the outrages and "losses sustained by his Lordship and the Hudson's Bay Company, all over the "interior; but the business of the place should go on as usual under Mr. Taitt, a "clerk of the North-West Company, still remaining at the post, and that all things "required by his Lordship should be duly receipted for. That he then demanded "liberty to send off the canoes for Red River, which was refused by the said "Earl, on the ground of not furnishing supplies to the rebels who were in possession "of that neighbourhood; and then demanding that the outfit for Lake La Pluie, and "Lake Winnipic, might be sent off, he was in like manner refused, on the ground "that the Brulés might go to those posts and get their supplies, as well as at Red "River; that perceiving that the Earl of Selkirk persisted to hold possession of the "Fort, and was supported by a military force which there was no means of resisting, "he next inquired what he should do with the vessel and cargo, to which the Earl "replied, the latter might be landed in all safety, and that he would allow some of "his people to assist in discharging the vessel; that in consequence, during the "course of the same day, two boats, with some Canadians, and other persons in "the military uniform of the late regiment De Meuron, came alongside of the vessel "in two batteaux, but could not take away full loads, on account of the wind being "too high; that on this occasion the said men of the late regiment De Meuron, pro-"ceeded to unlash two small brass guns on board the vessel; and being asked by "whose authority they were doing so, replied, by that of the Earl of Selkirk, or "words to that effect; that he therefore went ashore, and complained to the Earl "of Selkirk of the transaction, who replied that it was done as a measure of pre-"caution." Mr. Johnston adds, "that on the 12th day of September he embarked "on his return to the Falls of St. Mary, having previously renewed his demand in "writing for the restoration of the Fort and property therein contained, and received "a written refusal thereof from the said Earl, with which he conceived it incum-"bent upon him to proceed to Montreal, to deliver the same to the agents of "the North-West Company there." Of this document a copy has been proved before me by James C. M'Tavish, who annexes to his deposition (No. 404,) a copy taken from the original in the Earl of Selkirk's writing; there is not, however, any thing remarkable in the purport thereof, excepting the total omission of any pretension of holding the Fort for the purpose of delivering it to Government, as hereinbefore mentioned in Mr. Allan's deposition, as the motive for its retention, and which was again repeated in the depositions of John M'Nab and John Spencer (Nos. 379 and 380,) as the final orders given to the former when left in possession thereof, on the Earl's proceeding to the interior of the Indian territories; and it is perfectly notorious, that the same has been publicly and generally repeated by the partizans of the Earl in the present paper; however, his Lordship expressly states his perfect readiness to comply with the requisition or the restoration of the said Fort, and the property therein, as soon as the North-West Company "shall have re-"stored the property illegally seized by their servants at Red River, in the month of "June last, and made adequate compensation for the damage occasioned by that "and other injuries on their part." Johnston further adds, that previous to his leaving Fort William on the 12th day of September, "the Earl of Selkirk proposed "to him to take down a cargo of furs, on condition that they should be consigned to "some third party to be disposed of, and the proceeds to wait the decision of an "arbitration, which the said Earl proposed as a means of settling the disputes of "property between himself and the North-West Company, leaving the punishment "of the offences committed to the laws of the country, with which he did not feel au-"thorized to comply; also, that he did not, at any time, directly or indirectly con-"sent to the removal of the guns before-mentioned from the vessel, although from "dread of the military force at Lord Selkirk's disposal, he did not remonstrate "further than hereinbefore stated." The taking of these cannon being one of those occurrences relative to which the North-West Company have charged the Earl of Selkirk with a felonious conversion of their property, a good deal of evidence has been produced on the subject.

On

on the part of the North-West Company, Robert M'Cargo, Augustine Des Hayes, and William Morrison, in their depositions (No. 261, 262, and 264,) confirm the forcible taking of the cannon from on board the vessel; and Jacob Witachy, and Jacques Chatelain, in their depositions (No. 263 and 265) state the same, being on the 12th September sent after the party which had set out a day or two previously for the interior, under the command of Captain d'Orsonnens.

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

On the part of the Earl of Selkirk, Jacob Witschy before-mentioned, states in his deposition (No. 283,) that at the time he was sent on board of the aforesaid vessel to take possession of the two pieces of cannon, by order of captain Matthey, Mr. Johnston was present, and must necessarily have heard the order, and that when on board, the cannon were pointed out to him and delivered without the smallest difficulty; and captain D'Orsonnens in his deposition (No. 285,) states, that he heard Mr. Johnston direct Robert M'Cargo, the captain of the vessel, to deliver up two small cannon, and the balls belonging thereto, when demanded on the part of Lord Selkirk, as a measure of necessary precaution.

(6th September 1816.)

John Allan states, in his deposition, "that he heard Mr. Johnston say, while at "Fort William aforesaid, that he had been authorized by Mr. M'Gillivray to require, "on the part of the North-West company, that Lord Selkirk should deliver up "Fort William to him, and that in compliance with his instructions, he would make "the demand in writing, but that he thought Lord Selkirk ought not to give the "place back to them without some authority besides his own, seeing that it had been "used by them as a rendezvous for highwaymen and murderers, and the receptacle "of their plunder, or words of similar import and meaning." Mr. Allan also states, in his deposition, "that whilst Mr. Johnston was at Fort William, the parcel of "letters of which Leigimoniere had been robbed, was found in a locked press, in "the corner of the council room; that his attention had been frequently called "by Daniel M'Kenzie to this place, but that he had conceived no papers would be "left there, as the partners of the North-West company, after their arrest, had "passed part of the evening of the 13th August in that apartment, and that a great "many papers had been burnt by them that night; that he had in consequence "delayed from time to time opening the press, but after having in vain inquired for "the key, he caused the lock to be forced open in presence of captains Matthey "and D'Orsonnens, and found in it, wrapped in a piece of bark, most of the letters "and papers in question, including two warrants in the hand-writing of James "Stewart, Esq. Montreal, for the arrest of some of the individuals who had been "active in burning the settlers houses in 1815; exclusive whereof, he had frequently "seen the fragments of one of the papers contained in the said dispatch, viz. of the "warrant for the arrest of Alexander M'Donnell, which was torn up, but recognized "by the Earl of Selkirk; that upon discovering the parcel aforesaid, captain "Matthey went for Mr. Johnston and the Earl of Selkirk, who, after seeing the "place in which the said parcel was found, recognized each of them, letters in their "own hand-writing, and the seals of all the letters were broken open; facts which "Mr. Johnson also confirms in his deposition." Of the letter containing the warrants, addressed by the Earl of Selkirk to Colin Robertson, Mr. Allan has annexed to his deposition, a copy marked R, in consequence of a requision from me to that effect, arising from a report which it was notorious had been circulated by the partizans of the North-West company, that blank warrants had been inclosed therein; this fact appears by the tenor of the letter, not to be correct, but at the same time, the order contained therein to enforce a warrant against Bostonois only in the event of his continuing hostile, evidently shows the imperfect view taken by the Earl of Selkirk, of the duties of a magistrate under the English law, independent of the further illegality of the orders contained in this letter, for the forcible seizure of the North-West company's post, herein-before referred to.

Mr. Owen Keveney, a clerk in the service of the Hudson's Bay company, or of the Earl of Selkirk, was murdered at the Delles, on the river Winipic. A large body of evidence relative to the horrid affair, will be found collected in the depositions filed from No. 288 and 321. From the concurrent evidence of all those examined, who had a knowledge of the affair, it appears morally certain, that the murder was committed by Charles de Reinhard, a clerk in the service of the North-West company, formerly a serjeant in the regiment De Meuron, assisted by François Mainville, a half-breed, also in the service of that company; and that the Indian called the "Fils de la Feudrix Blanche," was present at the affair, but took no part therein.

On the 11th September 1816.

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

(11th September 1816.)

therein. It is true, that Reinhard himself states the matter differently, saying, that it was Mainville who first shot Keveney, and that he only stabbed him in order to end his sufferings; this account, however, although in some degree supported by the ambiguous expressions used on the subject by Faille and La Pointe, two of the principal witnesses, in their original depositions at Fort William, is finally contradicted by them on their further examination, as well as by every other witness who has deposed to the fact; whilst the opposite statements made at different times by Reinhard himself, diminishes any confidence that might otherwise be placed in his declaration. As respects M'Lellan, the North-West partner, and the other persons charged as accessaries to this crime, the evidence is so extremely contradictory, that nothing further could be done than to secure the attendance of as many witnesses as possible, in order that the fullest investigation might take place before a jury, who alone are competent to decide to which party credit should be given. If not acting under the direct orders of those accused of having instigated the murder, it may be inferred from the general tenor of the evidence, that Reinhard was led to the commission of the crime, partly by the prospect of obtaining a considerable booty in the clothes and other property of Keveney, and partly from an idea that in the inflamed and hostile state of mind openly expressed towards their opponents, by the partizans of the North-West company, he should be considered as having rendered an acceptable service to the company; whilst at the same time, the general violence of Keveney's conduct as a prisoner, might to a person of the lax principles and sanguinary habits naturally formed in the mind of a mercenary soldier, by the scenes of violence and bloodshed so frequently witnessed during the revolutionary wars, appear to afford some excuse for the crime. Such at least seems, by the declaration of different witnesses, to have been the apology made by him, when reproached for what he had done.

On the 14th September 1816.

James Grant, a partner of the North-West company, was arrested at Fond du Lac, within the United States of America, by P. C. Pambrun, by virtue of a warrant from the Earl of Selkirk, as more particularly detailed in the deposition of the said Grant, No. 236, who states also the detention by the Earl of Selkirk at Fort William, of a quantity of liquor and other goods; as also of one Roussin, the clerk in charge thereof, destined for the department of Fond du Lac, to the great injury of the trade carried on there by John Jacob Astor, a citizen of the United States, conjointly with certain individuals connected with the North-West company.

This arrest appears evidently to have been grounded on the robbery of Legimmoniere's dispatch; and although the execution of the warrant within the territory of the United States, was irregular, yet it may be easily accounted for, under the ambiguous terms of the Act of the 43d George 3d; whilst the detention of the goods most probably arose from the same causes as were assigned by the Earl of Selkirk to Mr. Johnston, for refusing leave to send supplies to any posts within the reach of Red River.

On the 19th September 1816.

Certain deeds were executed by the Earl of Selkirk on one part, and by Mr. Daniel M'Kenzie, for the North-West company, on the other, purporting to be a sale of the goods and chattels of the said company at Fort William; a submission to arbitration of all matters in difference between the Earl and the company, in regard to damages arising from alleged injuries, aggressions and trespasses on either side, and an agreement for a mutual pledge for the due fulfilment of the award; copies whereof marked G. H. and I. together with that of a letter from the *said* Daniel M'Kenzie to the Earl of Selkirk further to give effect thereto, marked K, are annexed to the joint deposition of John M'Donald, Allan M'Donnell, and Daniel M'Kenzie, (No. 267.) Daniel M'Kenzie states in the above-mentioned deposition, that at the period the other North-West partners were sent off as prisoners, "he was extremely "desirous of accompanying them, and accordingly made several applications to the "Earl of Selkirk, for that purpose, who however refused such request, and ordered "him to be detained, which was accordingly done; and he was confined for several "days a close prisoner in his own room in Fort William." That afterwards, he "was by order of the said Earl, confined in a prison at Fort William, which was "erected as a common prison for the adjacent parts of the Indian territory, some "time after the first establishment of the magistracy for the territories, where he was "kept in the dark, except as to such light as pervaded the chinks in the building, "there being no window in the dungeon in which he was so confined." That whilst thus confined, one M'Pherson, Miles M'Donnell, and Dr. Allan, and some others, came

Inclosure in Sir J. C. Sherbrooke's, of 20th July, 1818; viz. Mr. Coltman's Report, &c.

(19th September 1816.)

" came frequently to him, to persuade him to submit himself in all respects to the " said Earl, and to yield obedience to whatever he might direct, telling him that the " evidence against him, with regard to the destruction of the settlement of the Red " River was very strong; that it would be a very serious business for him; that the " other partners of the North-West company were utterly ruined, and would certainly " suffer; and that it was a folly for him to sacrifice himself and his family, for per- " sons who did not care for him; and incessantly used other representations of the " same kind, tending to induce him to yield implicit submission and obedience to " whatever they or his Lordship might dictate; and that being at length wearied out " with the hardships of his confinement and their importunities; and having expressed " to Captain D'Orsonnens a disposition to conform himself to their advice, in case " he was released from the said dungeon; he was removed therefrom into another " building, where he was still kept confined a close prisoner under a guard. That " from the time of his being so removed from the said dungeon, impressed as his mind " was with the hardships which he had suffered, the danger in which he imagined " his life was, and the constant suggestions and importunities of those around him, " he did accordingly yield implicit submission and obedience to whatever they dic- " tated, being frequently also in a state of intoxication, and accordingly for a period " of six weeks or thereabouts next following, was in the habit of writing whatever " letters or other papers were dictated to him. That the said Miles M'Donnell was " very frequently with him to induce him to write or sign different papers, some- " times dictating to him verbally, and making him write what he so dictated; and " at other times bringing him drafts of letters or papers for him to copy in his own " hand-writing." In further support of this statement, he annexes to his deposition the originals of various papers, marked A. B. C. D. E. and F. either in the hand-writing of the said Miles M'Donnell, or of the Earl of Selkirk, or otherwise written by himself, and interlined and corrected by the said Miles M'Donnell.

He further states, that whilst a prisoner at Fort William, by the direction of the said Earl of Selkirk, and of the said Miles M'Donnell and other persons in his employment, he signed and executed the several deeds or paper writings herein abovementioned. And he adds, "that having in consequence of such his implicit obedience " and submission to all the orders and commands of the said Earl of Selkirk, and " the persons in his employ, been ultimately discharged from such his imprisonment " at Fort William aforesaid; and feeling great regret and compunction at his having " been so compelled to execute papers, which might possibly be so highly detrimental " to the interests, not only of himself, but of the other partners of the North-West " company, on his arrival at Drummond's Island, which was the nearest place to " Fort William aforesaid, at which any notary public resided; he went on or about " the 11th day of November, before Mr. James Grant, a notary public, and David " Mitchell, Esq. a justice of the peace, both resident there, and in their presence " made and subscribed the protest or paper;" an original copy whereof (marked I.) he annexes to his deposition, and he declares, "that the representations therein con- " tained, with regard to the influence under which he was induced to execute the " several instruments or other paper writings therein mentioned, are in all respects " true."

He further adds, that Miles M'Donnell told him one day, that it was the request of the Earl of Selkirk "that he should write a letter to his "name-sake at Nipigon " (meaning one Roderick M'Kenzie, who was then in charge of the post there) " advising him to keep back the packs in his possession, as an indemnification for " whatever the company might be indebted to him, as they were quite ruined, and " that perhaps he might find a passage for them by the way of Hudson's Bay, but " which letter he believes he never did write; that on or about the 11th day of October " now last past, the said Earl came to him, having provided a canoe at Fort William " for that purpose, and ordered him to embark for Montreal, asking him at the " same time whether he had written a circular letter to the different clerks and " partners of the North-West company in the interior, to the same purport as the " one which he had been desired to write to his namesake, and upon his answering " in the negative, said that he should give the said Miles M'Donnell their names, " and that he should write to them in his name;" a copy of such circular letter from the said Miles M'Donnell, to certain of the North-West partners in the interior, dated Fort William the 14th October 1816, has accordingly been proved before me (Deposition No. 152, marked Z.) the contents whereof will be found of the highest

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

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highest importance towards forming a correct judgment of the transactions at Fort William.

The statements of Daniel M'Kenzie are further confirmed in several particulars, by the depositions of James Taitt, John Theodore Messani, and Charles Bramby, John Johnston, James Grant, Donald M'Intosh, and Alexander Kennedy, No. 270, 244, 266, 268, 269, 271, and 272: James Taitt stating, "that Daniel M'Kenzie, "after the other prisoners were sent off, was for some time confined with a sentry "over him, in a building in the fort, called The North-West House, and was from "thence removed into a dungeon, as he understood and believes, by the order of the "Earl of Selkirk; that after the said Daniel M'Kenzie had been some time confined "in the said dungeon and other places, he was called upon to witness certain "instruments in writing, signed by the said Earl of Selkirk and the said Daniel "M'Kenzie, and that on his objecting to sign such writings, without knowing their "contents, he was answered by the said Earl of Selkirk, that it was unnecessary for "a witness to know the contents of a paper, it was sufficient for him to see the "parties sign and seal it; that he did not know at the time, but heard afterwards "that the papers or instruments so signed by him as a witness, contained a transfer "or sale of the North-West company's property at Fort William; that some time "previous to such sale, he showed to the Earl of Selkirk a letter written by John "Dugald Cameron, one of the partners of the North-West company in charge of "the affairs of the said company, at the Sault of St. Mary, to Messrs. James "C. M'Tavish and [illegible] Vandersluys, and opened by Mr. Johnston, in presence "of himself, after the departure of these gentlemen; which (letter annexed by him "to his deposition) distinctly stated that no attention should be paid to the orders "of the said Daniel M'Kenzie, he being a retired partner, and therefore not "authorized to interfere in the arrangement of the affairs of the said company at "Fort William; and that the said letter, and also one from the said Mr. Johnston "to himself, relative to the duties to be performed by him, were given to the said "Earl of Selkirk, and retained by him, an hour after which they were returned." He further states the general authority and control exercised by the Earl and his adherents over the servants and property of the North-West company, by means of his armed force and military array; and particularly that for a length of time previous to the sale, "the Earl would not allow him to issue from the store of the company "then nominally in his charge, such provisions or stores as were from time to time "required, for the persons in the employ of the said company, without the sanction "of him the said Earl of Selkirk, or some of his attendants;" and also that he was frequently applied to before the said sale, "to issue many articles out of the North-"West company's stores, for the use of the men of the said Earl of Selkirk, for "which he took receipts from Captain Matthey, the person who appeared to him "to be appointed by the said Earl to make such requisitions, and to give receipts for "such articles as were received on account of the said Earl of Selkirk;" and he further adds, that he "was induced to issue such articles as were required for the "use of the servants and men of the said Earl of Selkirk, from the conviction that "resistance was in vain, and that if he did not comply with their wishes, they would "take any thing they stood in need of, without his permission." Missani and Bramby state, in their joint deposition, that the examination of Daniel M'Kenzie was deferred to the 20th August; "that they cannot recollect what took place at "the said examination, but that it appeared generally that the Earl of Selkirk con-"sidered the said Daniel M'Kenzie as particularly culpable; that after his exami-"nation the prisoner was remanded into confinement, but in a manner which led "them to conceive that no other confinement was intended than that had heretofore "been practised towards himself, and the other partners, by placing them in a room, "with a sentry over them: that it was consequently with the greatest surprise, "they afterwards learnt that he had been sent to the common prison: that on the "22d day of the said month of August, the proclamation of the Governor General, "of the month of July preceding, was received, and in the course of the same day "they saw the said Daniel M'Kenzie apparently a prisoner, but confined only in a "room of the fort; and that they observed Mr. Miles M'Donnell talking familiarly "with him, but had no knowledge of any second examination, or other circumstances "which should have prevented the said Daniel M'Kenzie from being sent down as "the other persons had been for trial."

Mr. Johnson states, that during the period of his being at Fort William, he frequently saw Daniel M'Kenzie, whom he understood to have been previously in confinement,

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finement, but was then entirely at liberty, "although as well every other person was "necessarily to a certain degree under restraint from the armed force at Lord "Selkirk's disposal; and that in consequence Daniel M'Kenzie wishing to leave Fort "William with himself, requested him to apply to the Earl of Selkirk for his per- "mission so to do, which he accordingly did, but could not obtain the same;" and he further added, "That during his stay at Fort William, Daniel M'Kenzie was no- "wise in charge of the property of the North-West company there, nor did he "understand he had been so at any time previous to his arrival there, nor did he "leave him in any sort of charge, but on the contrary left his written instructions "with James Taitt, whom he always understood to have had the charge after the "departure of the other clerks."

James Grant and M'Intosh, in their depositions, state principally declarations made to them by Daniel M'Kenzie, during his passage from Fort William, of similar purport to his subsequent deposition; and particularly that he pleaded in defence of his conduct in making the sale herein before mentioned, "the state of continued intoxica- "tion in which he was kept at Fort William, as well as the bodily fear he experienced "on account of the Meurons, who, to use his own expression, he apprehended would "run him through, or commit some act of violence on his family." James Grant adds, that Daniel M'Kenzie *requested* him to sanction the agreement which had been entered into between him and the Earl of Selkirk, to which request he refused to accede. Alexander Kennedy, in his depositions, states, chiefly the various articles belonging to the North-West company, taken possession of and converted to his own use by the Earl of Selkirk, including five canoes, and four packs of furs: these occurrences were a good deal dwelt upon on the part of the North-West company, who in respect to the furs in particular, which were brought down to St. Mary's, appeared at one time to expect they should be able to prove a felonious conversion. On the whole there is, however, little reason to doubt that the canoes, &c. were delivered by Mr. Taitt, in the manner described by him on requisitions made and receipts given; and that the furs having been the produce of the local trade at Fort William, formed part of the property conveyed by Daniel M'Kenzie's sale, and must of course rest on the same footing as the whole of that transaction.

On the part of the Earl of Selkirk, John Pritchard states in his deposition (No. 287,) that this was the case, and that the said furs were included in an inventory made of the property so sold. He also states, that on his return from Lake la Pluie, he found Daniel M'Kenzie, who had been previously arrested by the Earl of Selkirk, at large in Fort William; that on the first arrival of the Earl, M'Kenzie requested him to inform his Lordship, that he, M'Kenzie, was the last person arrived from Red River, and should be happy to give his Lordship any intelligence; "that he had "afterwards seen him once or twice whilst a prisoner in his own room, and, lastly, "when in the prison of the fort; and that he had appeared much depressed, and "anxious to disclose the crimes in which he and his partners had participated,"—he adds, "that he had been asked by him whether he could be received as King's evi- "dence, and that he had acknowledged he had answered the Earl foolishly, which "was the cause of his having been removed to prison;" that he, Pritchard, stated, in reply, "that it would certainly be his interest either to say nothing or to come for- "ward and declare the whole truth fully and openly; that nothing however further "had taken place previous to his proceeding to Lac la Pluie; but that, upon his "return to Fort William, he was informed, and verily believes, that the said Daniel "M'Kenzie had made a full disclosure in writing, in consequence whereof he was set "at liberty; and that he has himself frequently heard the said M'Kenzie declare "that his testimony alone was sufficient to hang Mr. M'Gillivray, towards whom the "said M'Kenzie at all times expressed great hostility; that some days after his "arrival at Fort William, he had a knowledge of a sale made by the said Daniel "M'Kenzie, of the moveable property at Fort William, to the Earl of Selkirk, and "that deeds were duly executed for the same, as well as for a submission to arbitra- "tion; and that he has a certain knowledge that in agreeing to this sale and exe- "cuting the other papers before mentioned, the said Daniel M'Kenzie acted without "any restraint whatsoever, and appeared to consider the arrangement as advantageous "to himself and the other wintering partners; that whilst the inventory was taking, "he frequently expressed his anxiety that the amount thereof should prove large, "appearing to consider it as so much property saved to the North-West company's "wintering partners, which would otherwise be expended by Mr. William "M'Gillivray in law; that soon after the inventory was completed, Daniel M'Kenzie "stated to him his wish to go to Red River, where he said he might be serviceable

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

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" from his influence with the half-breeds; but that he, Pritchard, having communicated the same to the Earl of Selkirk, learnt that the testimony of the said Daniel " M'Kenzie was so important, that he must be sent down to Montreal, and he accordingly embarked some days afterwards, being under no sort of restraint, but going " down, as he understood, a voluntary witness, zealous for the discovery of truth, " without it having been deemed necessary to put him under recognizance;" that at Sault St. Mary, they met with Mr. Pierre de Rochblave, a partner of the North-West company, who took away two of their canoes; that, in crossing Lake Huron, they met with John M'Laughlin, another partner of the company, who had some conversation with Daniel M'Kenzie, and subsequently met with John M'Donald, also a partner of the said company, together with Mr. Smith, the under sheriff of the western district of Upper Canada, "with whom the said Daniel M'Kenzie, whose spirits had " appeared much depressed from the period of leaving Sault St. Mary, embarked, " saying to him (Pritchard,) that he was obliged to do so, as a prisoner, for selling Fort " William, although he himself saw no species of coercion used towards him." John Allan, in his deposition (No. 280,) states, that it being late in the day on the 15th of August, when the examinations of the other prisoners were completed, that of Daniel M'Kenzie was postponed to another day; that, on the 20th of August, Daniel M'Kenzie was examined in presence of Lieutenants Bramby and Missani, and of himself, when he refused to answer most questions, and generally denied all knowledge of the crimes with which he was charged; that, after this examination, he was committed to an apartment in the fort universally used as a gaol; that during the short time Daniel M'Kenzie was confined in the gaol at Fort William, he (Allan) was informed by M'Nab, that M'Kenzie desired to see him on account of his health; that having seen him, " he gave him some advice, promised to send him some medi- " cine, and was about to retire, when M'Kenzie pressed him to say what he thought " of his (M'Kenzie's,) situation in respect to the charges against him; and that seeing " M'Kenzie extremely anxious, he said that it was certainly a serious matter to be " accused of having attempted to raise the Indians against a settlement of the King's " subjects; but that if it had been done in obedience to instructions from others, " their crime was greater than his, or something of like import and meaning; that " M'Kenzie also asked him if the evidence of an Indian would be received against a " white man; to which he replied, that he knew no law to prevent it; that " M'Kenzie then asked him what was the meaning of a King's evidence, to which he " said he was not a lawyer, and could not tell correctly; but being still importuned to " tell his opinion of it, he at last said, that he understood it to be a person who " being concerned in a crime with others, is exempt from prosecution himself on " giving evidence against his accomplices; that after this visit he stated to Lord " Selkirk, that he thought Mr. M'Kenzie's health would be injured if he were to " continue a length of time in the gaol, and that his illness seemed the effect of intemperance; that Lord Selkirk then proposed to prevent his having access to any " liquor at all, or to allow such a proportion only as could not produce intoxication; " but he represented, that the total and sudden loss of his accustomed beverage " might prove prejudicial to Mr. M'Kenzie's health; that the restricting a gentleman " in his circumstances to a measured allowance would, though an act of humanity, " wear the appearance of harsh and arbitrary treatment, and that he trusted the " advice he had given to M'Kenzie upon that subject, would not be without its " effect; and that upon these representations he believes the proposal of restricting " his allowance was, upon that occasion, abandoned; that, on the forenoon of the " 22d of August, Mr. Daniel M'Kenzie was, at his own desire, re-examined by the " Earl of Selkirk, when, in presence of himself, he asked if any thing he might say " would be turned against himself; to which Lord Selkirk replied, that he could not " without the sanction of the Attorney General admit him as King's evidence, but " that if he chose to communicate information of material importance, he would " recommend to the Attorney General to allow him to become evidence for the " Crown; and his Lordship added, that if there were sufficient grounds for it, he had " no reason to doubt that the Attorney General would consent to the recommendation; " that the said Daniel M'Kenzie then stated under oath, that he had been with Mr. " William M'Gillivray on Lake Superior, when he received a letter dated at Fort " William, from Archibald Norman M'Leod, stating that he had written to Fond " du Lac, to cause the Indians to be collected under promise of being rewarded by " the North-West company, and led by Morrison and Roussin, two clerks of that " company, to meet M'Leod's party at Red River settlement about the middle of " June; that Mr. M'Gillivray had shown the letter to him (Daniel M'Kenzie,) and " inquired

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

" inquired how many Indians might be raised in Fond du Lac department, and " being told about one hundred, had further asked what quantity of goods would be " required to satisfy them for their services, to which M'Kenzie replied about two " canottés or canoe loads, upon which Mr. M'Gillivray said, it is a great deal " of goods but we must not mind that; that M'Kenzie then mentioned several other " circumstances to the Earl of Selkirk, but complaining of a bad memory, and that " he felt agitated, he proposed to be allowed to go to his own room and to write down (19th September 1816.) " from time to time such circumstances as might occur to his recollection, which was " immediately assented to by the Earl of Selkirk; that after this day, Daniel " M'Kenzie communicated daily circumstances relative to the conduct of his partners " towards the Red River settlement, and was allowed the use of his own room, and " to go without control where he thought proper; and that near a fortnight after- " wards, Mr. Daniel M'Kenzie gave to the Earl of Selkirk a letter written by him the " said Daniel M'Kenzie, and containing most of the material circumstances which " he had previously communicated verbally, or on detached slips of paper." Of this letter, Mr. Allan annexes to his deposition a copy marked (O,) and states, " That in " consequence of these discoveries, the said Daniel M'Kenzie was finally allowed to " proceed to Montreal, at large, under the expectation that he would be found a " necessary evidence for the Crown." He further adds, " That some time after " Daniel M'Kenzie had delivered the letter hereinbefore mentioned to the Earl of " Selkirk, he asked him (Allan) into his room, and told him, that he had purchased " at Michilimakinac for the North-West company, a quantity of provisions and other " articles to the amount of £. 1,200 and £. 1,500, on purpose to prevent Lord Selkirk " from obtaining any supplies for his people; that he was afraid that the settlers " would come on him individually for the payment, and that he was at a loss how " to act, believing that the North-West company's agents at Montreal, in conse- " quence of the information he had given to Lord Selkirk, would refuse to pay it; " that he (Allan) then said, that he could not give any opinion or advice, ex- " cept that he believed the North-West company would readily pay it for their " own credit, upon which M'Kenzie said, he thought the North-West company were " ruined; that M'Kenzie then asked him, if he thought that the Earl of Selkirk could " give him any assistance; and he replied, that he did not think that Lord Selkirk " would interfere in the matter; that about the same time he was informed by Miles " M'Donnell, that Mr. M'Kenzie had also spoken to him with much anxiety on the " same subject, and that M'Kenzie seemed to think, that the greater part of the " provisions which he had purchased at Michilimakinac, being then at Fort " William, might be sold by him to the Earl of Selkirk, who would soon want " a supply; that this idea being spoken of in the presence of Lord Selkirk, he had " observed, that M'Kenzie might dispose, not only of what he had purchased him- " self, but also of the rest of the property of the North-West company at Fort " William, and even of their claim to the fort itself, since it was built on land to " which they had no claim from government; and that then he (Allan) had re- " marked, that such a transaction would be liable to be represented by Lord Selkirk's " enemies to his disadvantage, and would be likely to multiply disputes between his " Lordship and the North-West company; that soon afterwards he was asked by " Mr. M'Kenzie, if he had a right to dispose of the property of the company at " Fort William, upon which, wishing that such a transaction should not take place, " he replied, that he could not tell how far the authority of a partner extended, but " that if he had acted without a power in the purchase at Michilimakinac, he did " not see any thing to prevent him now selling what he himself had bought; that " M'Kenzie then assured him, that he had no power of attorney, upon which he " (Allan) stated a doubt whether M'Kenzie was not a retired partner, but he posi- " tively declared that he had never signed any resignation or retirement, that he had " not with his own knowledge or consent been placed on any list of retired partners, " and that a few days before Lord Selkirk's arrival, he had been pressed by Mr. " M'Gillivray to take charge of Red River department, in order to contribute by his " influence to the management of the half-breeds; that he then told M'Kenzie that " he could not give an opinion on the accuracy of which any reliance could be " placed; but that he (M'Kenzie) would of course do what he considered best for " his own interest and that of the partnership to which he belonged." Mr. Allan further states, " that on Thursday, the 19th day of September the deeds herein- " before mentioned were signed by the Earl of Selkirk, on the one part; and by " Daniel M'Kenzie on the other;" and proceeds to give some details thereof: That by the first " it was agreed that arbiters should be appointed in London by the Lords

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" Chief Justices of the Courts of King's Bench and Common Pleas, Westminster, " with authority to inquire into the damages mutually sustained in the interior, and " to give a final award thereupon; that the same deed contained a clause to prevent " it from having any effect on the criminal prosecutions which either party might " institute, and also that the submission was to be made a rule of His Majesty's " Court of King's Bench Westminster, of the Court of Session at Edinburgh, of the " Courts of King's Bench in Upper Canada, and of the districts of Quebec and " Montreal in Lower Canada; that at the same time another deed was signed by " the same parties, by which it was agreed, that the furs packed for exportation at " Fort William, should be consigned to the said arbiters, to be disposed of by them, " and the proceeds to be applied, if necessary, to make good the damages they " might award as due to the Earl of Selkirk; and Lord Selkirk, on the other hand, " was to transfer to the said arbiters, the conveyance of an estate of £.3,000 yearly " rent, supposed to be equal in value to the furs to be disposed of by them if " necessary, to make good the damages they might award as due to the North-West " company; that at the same time a third agreement was signed by the same parties, " by which the moveable property of the North-West company at Fort William, " except the furs aforesaid, packed for exportation, was sold to the Earl of Selkirk, " at a price equal to the cost, added to the charges for transport, and that the price " of the property transferred, was to be paid by instalments, and that £.50 was " actually paid the same day by the said Earl in gold, to the said M'Kenzie, as the " first part and earnest of the price thereof."

He further adds, that the deeds " were signed in presence of a number of witnesses; " among whom were all the clerks of the Hudson's Bay company, as well as of the " North-West company, then at the place. That if any means had been employed " to compel Daniel M'Kenzie to agree to these deeds, he would have known it. " But he believes none were used, and that the said M'Kenzie acted as much free " from control in that sale, as he had done in the purchase which he had made for " the North-West company at Michilimakinac; for the Earl of Selkirk proposed " about the same time to purchase from Daniel M'Kenzie, for a sum of money, the " claim of the North-West company to Fort William and its appurtenances; but the " latter refused to agree to that transfer, stating that he thought the price offered " much too low, and demanding a greater sum." He further adds, " That he does " not believe he ever spoke to M'Kenzie of the sale in question, except in reply to " questions put by him, and which he frequently declined answering; for, although " he could discover no legal defect in the transaction, and considered the stipulated " prices fair and reasonable; he never liked the same, as he feared that it would " afford an opportunity for misrepresentation, before the truth should be known; " and that having suggested this to the Earl of Selkirk, his Lordship remarked, " That it would be absurd to abstain from doing any thing merely to avoid being " misrepresented by the North-West company, who had already misrepresented his " best actions, and would invariably misrepresent his conduct, however unimpeachable " it might be, and that the liberal and equitable terms on which he proposed to " negociate, and the persons appointed to name the arbitrators, would sufficiently " show that he did not desire any thing unfair." He states also, that he was afterwards " informed both by M'Kenzie and James Grant, that as far as the latter was " concerned as a partner, he entirely approved of what M'Kenzie had done."

As the present transaction is, from the rank and circumstances of parties interested, as well as from the amount of property involved, one of those occurrences which will necessarily be brought before a court of law (the total deficiency of property at Fort William, on the re-occupation thereof by the North-West company, having been stated in the deposition of William Smith and others (No. 279,) to exceed £.7,000) it is unnecessary to make any detailed remarks relative thereto. From the general tenor of the evidence, and the confused statements of M'Kenzie himself, there can be little doubt, however that, his statement is materially exaggerated; whilst at the same time, from the same evidence, and the various documents filed by him, there can be as little, that there has been much imprudence and impropriety in the conduct observed towards him; and that if the deeds in question were not obtained by the fear of immediate physical force, there must have been that degree of general apprehension operating on his mind, which would destroy his free agency, and invalidate the legality of any deed he might be induced to execute.

The

The Hudson's Bay post under charge of Mr. Peter Fidler, at Manitabo, was plundered by Seraphim Lamar, a clerk of the North-West company, and several of their servants. The details of this charge have not been stated before me, by any person present; but it appears by the deposition of F. D. Huertur (No. 235,) that it was publicly ordered by Alexander M'Donald, a North-West partner, who had directed him, Huertur (an hour or two previous to the arrival of the messenger with the intelligence of the capture of Fort William by the Earl of Selkirk) to hold himself in readiness to go off the next morning to pillage Mr. Fidler. From the deposition of Seraphim Lamar (No. 161,) it would appear, however, on the contrary, although the terms made use of by him are not positive, that the proposition came from Huertur himself, whom he states to have first shown him at the council held after receiving the news of the capture of Fort William, a paper which he had prepared in the nature of an address to the freemen and half-breeds, under the title of "Self Preservation," and in which he encouraged them to make reprisals on the Hudson's Bay company, in seizing their goods at Lake Manitabo. On this charge a bill of indictment for robbery was found against Seraphim Lamar and others, at the Court of Oyer and Terminer, at Montreal, in February last. The month of September 1816.

Captain D'Orsonnens, at the head of an armed party of men of the late regiment De Meuron, with several clerks and canoe-men in the service of the Hudson's Bay company, or the Earl of Selkirk, took possession of the North-West post at Lac-la-Pluie, in consequence of an agreement with J. W. Dease, the clerk in charge thereof, whereof a copy is annexed to the deposition of Robert M'Robb, No. 273. It is stated by Dease, in his deposition (No. 322,) that previous to his entering into the said agreement, he had received an order from Captain D'Orsonnens, a copy whereof is annexed to his deposition, to deliver up the arms and ammunition in his possession, with which he complied from dread of the armed force with D'Orsonnens; and that a day or two afterwards the said Captain D'Orsonnens came to him in his own room at the North-West post, and informed him, in the presence of Messrs. Chatelain, Nolin, M'Donald, Sayer, and Roussin, that the soldiers with him were resolved to enter the fort by force, and that he would not be answerable for the consequences which might ensue, whereupon after some observation he gave up the fort, with all the property therein. D'Orsonnens, in his deposition, (No. 286) states, that having been informed of the preparations of the North-West company, and of the risk he would incur in attempting to advance by the River Winnipic, he determined to stop at Lac la-Pluie, and proposed to Mr. Dease to let to him some of the buildings in the fort, which for various reasons he would not do; but suggested his desire for a good excuse to quit the place, even if he should go as a prisoner, for that he greatly feared mischief would happen; that upon this, he told Dease that Mr. Miles M'Donnell, governor of Assiniboine, was hourly expected, and that he was to give him legal warning to quit the place in six months, "and that, if he would lease to "him part of the buildings for that time, he would promise to do him the same "favour after it should have expired; that there was little doubt, according to "reports, that the band of armed ruffians, in number about 100, in the service of the "North-West company, who had blocked up the navigation of the River Winipic, "would immediately, on hearing of his arrival with so small a party, make an "attempt to over-power him, and to put the threats of M'Lellan, one of their leaders, "in execution: that if he could not be admitted to reside in the fort, he would "insist on its pickets being cut down, that it might not serve as a place of refuge for "the murderers, whence they might sally out to destroy him, and the men who had "entrusted themselves to his charge: that he Mr. Dease, would himself see the ne-"cessity in which he was placed, and the propriety of delivering into his custody all "the arms and ammunition at the place, to prevent it from falling into the hands of "those who were prepared to employ it for the destruction of their fellow subjects:" "that to this Mr. Dease replied, that nothing could be more just, and expressed his "readiness to deliver these articles to him, upon receiving from him a note to justify "his compliance to his employers." He adds, that on the 8th October, while still remaining at the portage with his men, Nolin and Chatelain, two clerks of the Hudson's Bay company, informed him that "Dease seemed inclined to quit Lac-la-Pluie, if he "would give him a receipt for such of the North-West company's property as he "could not take with him, which he did next day, according to inventories made "by Dease, assisted by Nolin and Chatelain: that he asked Mr. Dease after-"wards, if the goods included in the inventories might be made use of by the clerks "of the Hudson's Bay company; and that he replied, that certainly they might On the 9th October 1816.

Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

(9th October 1816.)

" convert them to what purpose they pleased." John Allan states, that Dease on his arrival at Fort William, related to him what had passed at Lac-la-Pluie, nearly to the same purport as above stated by Captain D'Orsonnens:—Chatelin and Nolin in their depositions (No. 323 and 310) respectively state, that no violence was offered, nor to their knowledge was any menace made use of towards Mr. Dease, who, Nolin states, expressed even his approbation of Captain D'Orsonnens' conduct; but he also further adds, that Dease having been informed, that he must deliver up the fort within six months, preferred doing so immediately, whilst he could go away by water; a circumstance which appears in a great measure to explain the apparent contradiction of the preceding evidence.

On the 7th and 8th November 1816.

The Earl of Selkirk, Captain Matthey, John M'Nab, Frederic Graffenried, John Allan, and John Spencer, were arrested at Fort William by William Robinson, in virtue of a warrant from David Mitchell, Justice of the Peace for the Western District; copy of which warrant Robinson annexes to his deposition (No. 275,) and states, that immediately after arresting the said three first-named parties, on the 7th November, he left them respectively in charge of different persons on whom he called upon for assistance on the occasion; that the person whom he had left in charge with Captain Matthey, came to him and said, that Captain Matthey would not suffer him to remain over him; upon which he (Robinson) went to Captain Matthey, and repeated the complaint; to which Captain Matthey replied, " that he did not " want the man after him; that if he continued over him, his men, (meaning the " armed men) in the fort, would rise;" or some such expressions, indicating opposition from the armed men in the fort; and he adds, that apprehensive of some violence being offered him, and not having a sufficient party to support him, he took no more charge of the said Captain Matthey, but returned to the coffee-room, where it appears that he and his party had taken up their quarters; that whilst there he was sent for by the Earl of Selkirk to his room; when the Earl observed, " that " the warrant was issued by a drunken magistrate, who was over persuaded by a " glass of grog," or words to that purport.

And he further adds, that towards the evening of the said 7th day of November, the said Captain Matthey came to him and his party, and told him, that Lord Selkirk said it was too cold to turn them out of the fort to pitch their tent, and appointed the Bell House for their reception; to which he replied that he understood the Bell House was their common gaol, and that he would not go into it; to this Captain Matthey answered, that if they would not obey his Lordship's orders willingly, they should do so by force; whereupon he (Mr. Robinson) declared, that if any man dared to lay a violent hand upon him, he would blow his brains out, that he was on his duty, and would not be molested; that shortly afterwards Captain Matthey went out and brought back a guard of a serjeant and six men, all armed, belonging, as he believes, to the late Regiment De Meuron; which guard remained the whole night in charge of him and his party, and appears to have continued at his quarters as long as he remained. He adds, that the next morning, being the 8th November, he went to Lord Selkirk, and asked him if he would comply with the warrant upon which he was arrested; to which Lord Selkirk replied, " no, he would not," whereupon he retired; and then proceeded to arrest the other persons named in the warrant, and did accordingly arrest Lieutenant Graffenreid, Mr. Spencer, and Doctor Allan, all named in the said warrant; and who did then and there declare to him, that they would not obey the said warrant unless Lord Selkirk did.

He further adds, that fearing some bodily injury from Lord Selkirk's people, if he attempted to bring away the said Lord Selkirk and the other persons arrested by virtue of the said warrant, he departed from Fort William the following morning, being the 9th November:—and he states, on his oath, that had it not been for the resistance aforesaid, and the fear of the armed men occupying the fort, he would have brought the bodies of the said Earl of Selkirk, and the other persons arrested with him, before some magistrate, according to the exigency of the warrant. The general purport of this statement is confirmed by the depositions (No. 270 and 273,) of James Taitt and Robert M'Robb, clerks of the North-West company, who were present at Fort William.

On the part of the Earl of Selkirk, the only evidence is John Allan, who does not go fully into the subject; but states, in his deposition (No. 280,) " that on the " 8th November, the said Robinson, announced to him, that he had come to arrest, in

" in the King's name, producing, as his authority, a warrant signed David Mitchell, " by which he observed, that the entering Fort William to arrest the partners on the " 13th August, had been construed, on the oath of one Roussin, a clerk of the North- " West company, into a riot; and that himself, as well as the Earl of Selkirk, and " many other individuals, were required to appear before David Mitchell, at Drum- " mond's Island, to account for the same. That the said Robinson came to arrest him " after his canoe was ready to set out on his return to St. Mary's, and that he then " informed him, that he expected from him the same answer which he had received " from some other gentlemen, and that he had no intention to take away any gentle- " man by force; that he learnt from Robinson, that he had formerly been Serjeant- " major in the 41st regiment, and had been made a constable on purpose to execute " the warrant; which, as he stated, had been brought, ready made, in a canoe of the " North-West company, with himself, from York to Drummond's Island, where it " was signed by David Mitchell, aforesaid. That in refusing to submit to the war- " rant of David Mitchell, he was not actuated by any desire to avoid answering the " charge of having committed a riot by assisting, on the 13th of August, to arrest " persons accused of treason and murder, but by a suspicion, which he had good " reason to entertain; that from serjeant-major and constable Robinson, though to " appearance a decent man, while under the influence and in the pay of the North- " West company, he could not expect protection from their vengeance, any more " than Mr. Keveney had obtained from color serjeant and constable Reinhard."

Inclosure in Sir J. C. Sherbrooke's of 20th July 1818; viz. Mr. Coltman's Report, &c. (7th and 8th November 1816.)

A canoe with goods, sent by Vincent Roy, a clerk in charge of the North-West post at Leach Lake, under the orders of one Dalcour, for the alledged purpose of wintering at the Lake de Travers, was forcibly seized by Mr. Pambrun, a clerk of Lord Selkirk's or the Hudson's Bay company. The particulars are stated in the depositions of Gabriel Lalonde dit Latreille, and I. B. Chovin (No. 324 and 325,) and the taking of the goods is acknowledged by Pambrun in his examination annexed to the former deposition; but he denies having used force or menace, or having had any intention to steal the goods, but merely to prevent their being sent in aid of the rebels on the Red River. On this charge a bill of indictment for robbery was found against Pambrun, and others, at the Court of King's Bench, at Montreal, in March last.

Towards the end of November 1817.

Fort Douglas was taken forcible possession of by Captain D'Orsonnens, at the head of an armed force, of five or six and twenty men, accompanied by Miles M'Donnell, Alexander M'Donald, late of the Glengary regiment, and Mr. William Laidlaw, on which occasion they arrested Mr. Archibald M'Lellan, a partner of the North-West company, in charge of the post; and François Mainville, a half-breed, both accused of having participated in the murder of Owen Keveney. It appears by the depositions of J. B. Miné, (No. 183,) and Joseph Gauthier (No. 326,) that after taking possession of the fort, D'Orsonnens and his party converted to their own use the property found there; by those of Basill Belanger (No. 327,) Pierre Soussi (No. 328,) and J. B. Miné (No. 329.) The former of whom was arrested under a warrant of Miles M'Donnell, for having concealed some goods belonging to Archibald M'Lellan, and having in his possession different articles formerly belonging to the colonists; that whilst detained a prisoner, his house and the whole of his provisions, and property of every kind, were seized for their own use by the said Miles M'Donnell and his party; by those of Joseph Laframboise (No. 330,) Jean Baptiste Desroches (No. 331,) François Viger (No. 332,) and Jean Crebassa (No. 333); that a parcel of provisions belonging to the North-West company, brought by the two first from Bas de la Rivière to Fort Douglas, were seized for their own use by the said D'Orsonnens and M'Donnell. That a party from Fort Douglas accompanied them on their return to the North-West post at Bas de la Rivière, and took possession of the same; and from time to time made use of the provisions, merchandize, and other articles at the post, belonging to the said North-West company, as if they had been their own. That, during the course of the winter, Desroches was induced by menaces, to discover to the said D'Orsonnens and M'Donnell, two places where provisions belonging to the North-West company were hid; which Laidlaw and others immediately took possession of, and converted to their own use; and that, on the 20th of May, Captain D'Orsonnens himself came to Bas de la Rivière with two boats, which he loaded with provisions belonging to the North-West company, and returned with them to Red River; and John Crebassa and François Viger were arrested and taken away prisoners to Fort Douglas, where they depose to have heard whilst confined, various violent declarations made use of by the said Miles M'Donnell, Captain D'Orsonnens, and others with them, relative to their intended hostile proceedings

On the 10th January 1817.

Enclosure in Sir J. C. Sherbrooke's, of 30th July 1818; viz. Mr. Coltman's Report, &c.

(10th January 1818.)

towards the North-West company's party, such as that if the fort was attacked, the prisoners who were there should all be killed by the Meuron soldiers; and that a notice signed by Captain D'Orsonnens, ordering the Meuron soldiers to kill any prisoner who should attempt to escape, was put up at Fort Douglas; that a large gun boat was to be sent from Pyke River, to capture all the furs of the North-West company coming from the North; a circumstance which was frequently repeated from different quarters; and further, that it was stated by Serjeant Witschy, that no boats belonging to the North-West company would be allowed to pass Fort Douglas, but would be sunk by the cannon which were under his orders. Witschy, in his deposition (No. 334.) admits that he heard Captain D'Orsonnens say, that he was to go at the first opening of the navigation, to stop the canoes coming from Athabasca; and that for that purpose, he should take ten or twelve of the discharged soldiers, who had engaged with Lord Selkirk as settlers. That during the month of June 1817, the half-breeds having come down to the neighbourhood of Fort Douglas, saying they would pass, he was ordered by Captain M'Donnell, generally called Governor M'Donnell, to fire the cannon upon any boat that should persist in passing (the half-breeds having been informed thereof by the governor.) That towards the end of the month, the Earl of Selkirk arrived, and caused the proclamation of The Prince Regent to be read, on the next day but one after his arrival; and that himself having read it, he added of his own accord, "all the world then is free and may pass as they choose." That during the winter, when the fort was blockaded by the half-breeds, some discharged soldiers said, that in case of attack it would be necessary to kill the prisoners. When to discourage such speeches, he himself said, that in case of need he would rather defend the prisoners than allow them to be killed in such a manner, and that he does not think that they were serious in what they said. On the part of those charged with the various acts of illegal violence, no justification has been attempted. Jacob Witschy states, however, in his last-mentioned deposition, that an inventory of the property found at Fort Douglas, was made by Mr. Laidlaw and Mr. Codot. And Captain D'Orsonnens, in his deposition (No. 286,) states, that a quantity of artillery, ammunition, arms, and other articles belonging to the Earl of Selkirk, were found at Fort Douglas. And that four pieces of artillery, of which th settlement had been plundered by the North-West company, were also found at th post at Bas de la Rivière, together with a boat and other property, formerly belonging to Mr. Keveney; and that having found in the possession of Archibald M'Lellan, a letter signed Alexander M'Donnell (copy whereof is filed, deposition No. 337, and has been hereinbefore referred to,) which spoke of the assassination of the Earl of Selkirk in the river Winnipic, and not doubting that such a crime would be attempted by the North-West company, he judged it necessary to put the fort at Las de la Rivière, in a state of defence, to prevent the North-West company from occupying it, and stopping the passage to the Earl of Selkirk and the King's commissioners. The best excuse for, or palliation of the proceedings of, the Earl of Selkirk's party at this period, appears however to be the sincere opinion apparently entertained by them, that their opponents were to be considered as rebels and enemies to government, as well as to themselves; and that the necessity of the case authorized proceedings, which would otherwise have been unjustifiable. The violences committed by the North-West party at Red River during this period, beginning from their receiving intelligence of the capture of Fort William, will be found detailed in the deposition of Frederic D. Huertur, (No. 235,) who states, that immediately after receiving the news of that event, a council was held at Fort Douglas, by the partners and servants of the North-West company, and a certain number of free Canadians and half-breeds, when M'Donnell stated to the "freemen that they must promise to take up "arms to defend the country and to prevent the English or the Earl of Selkirk from "entering the river, and told those who were unwilling to make this promise, to pack "up their baggage and quit the country immediately;" that most of the freemen, rather than quit the country and leave their families, promised to hold themselves at the disposal of the North-West company; that M'Donnell accordingly sent a party of the freemen, under the command of Seraphim Lamar, to plunder Mr. Fidler, as hereinbefore mentioned, and proceeded himself with 20 to 25 half-breeds, clerks and servants, and from 20 to 25 Indians, of whom Magicubacori was chief, to Bas de la Rivière, where another council was held by Mr. Alexander M'Donnell and Archibald M'Lellan, at which himself, Cuthbert Grant, Cadot, Reinhard, Alexander Fraser, William Shaw, Bostonois, Pangman, and several other half-breeds, about 20 in all, were present, and in which M'Donnell proposed to the half-breeds to proceed to Fort

Inclosure in Sir J. C. Sherbrooke's, of 30th July 1818; viz. Mr. Coltman's Report, &c.

(10th January 1818.)

Fort William for the purpose of taking it, and in case they should meet the Earl of Selkirk, or any of his people, on the way, that they should place themselves in ambush near the river, and fire upon and sink them, while engaged in passing the rapids, and that the Chute de Bonnet was particularly mentioned as a place where they might all be easily destroyed; that the half-breeds would not concur in this plan, and consequently one canoe only was sent off for the purpose, as he understood, of obtaining intelligence, under command of Archibald M'Lellan, accompanied by Charles Reinhard, Cuthbert Grant, and Joseph Cadot, (by the former of which three, Owen Keveney was murdered, during this voyage, as herein-before mentioned;) that after the canoe was gone, Alexander M'Donnell told him, that it was a great pity the half-breeds had refused to go, as he (M'Donnell) had intended to send him to the vicinity of Fort William, to speak secretly to the men of the De Meuron regiment, in the service of Lord Selkirk, and to seduce them to desert, and join the North-West company, and that it was his plan to have offered them a reward of £. 500 collectively, and double wages individually, if they would consent to abandon the Earl of Selkirk, and that he would then have retaken Fort William, and brought the said De Meurons to winter at Red River, if they chose; that the said Alexander M'Donnell and Archibald M'Lellan, assembled about 20 or 30 Indians, among whom was the old Saulteur chief, called the Premier or Grandes Oreilles, where M'Donnell made a speech, which Cadot interpreted, wherein he exhorted the Indians to take courage, to place their confidence in the North-West company, who would always befriend them, and supply their wants; and told them, that if they allowed the English (the term by which the Hudson's Bay company's party is known amongst the Indians,) to return to the Red River, they would bring soldiers who would destroy them with their women and children; but not to be afraid, that the North-West company would protect them, and would never allow the English to return. Huertur subsequently details the different means of intimidation and force made use of by the North-West party, and especially by Cuthbert Grant, subsequent to the capture of Fort Douglas, to assemble a sufficient number to go down to the fort and demand the liberation of Archibald M'Lellan, Seraphim Lamar and Mainville, who were detained as prisoners, and if possible to recapture the fort; on which occasion he says, that Antoine Houle, one of the half-breed leaders, made use of the expression, "Il faut en tuer "quelques uns pour montrer un exemple a ceux qui ne veulent pas nous joindre "pour faire marcher les autres;" and he adds, that with the force thus raised, Grant came down to the neighbourhood of Fort Douglas on the 2d March, and that after the party had encamped, Grant sent a freeman of the name of Soucisse, to the fort with a letter, and after receiving the answer, informed the half-breeds that the governor refused to deliver up the prisoners, and that he, Grant, had sent a challenge to the people in the fort to come out and fight them at 8 o'clock next morning; that on the 4th March, their provisions beginning to fail, although they had taken and killed two cows and one heifer, belonging to the colony, it became necessary for the party to return; that Cadot then proposed to go to Pembina and kill a party of Lord Selkirk's people, who were there, saying that they must not return home without striking a blow to maintain their warlike reputation; but that this was finally overruled by Grant, who replied, "Nous ne sommes pas des barbares, et nous retournerons "à la Rivière Qui Appelle," which appears accordingly to have been done.

This statement, as far as relates to the system of intimidation and violence pursued by the North-West party towards the free Canadians, to compel them to take up arms and join in the expedition above-mentioned, is confirmed by the depositions of Jacques Amelin and Baptiste Marsalois, Michel Dauphineé, and Charles Tranchemontagne, Antoine Payér, Jean Baptiste Davis, and Charles Beaulino, (Nos. 176, 339, 340, 341, and 342) whilst Edward Boisvert in his deposition, (No. 343) states his being made prisoner in the king's name, by a party of the half-breeds, who took him to their fort at Qui Appelle, where Alexander M'Donnell endeavoured to induce him to engage himself to the North-West company, and that refusing so to do, he could obtain no clothing, and was obliged to work for his food, and was compelled also to make a declaration of the seizure by Miles M'Donnell at the Portage Ecarté, of two bags of ball, a barrel of gunpowder, a barrel of rum and a case of fusils, concealed there by the North-West company, as well as of the threats of captain D'Orsonnens to fire with ball, according to his orders, on the first North Wester he should meet with; which declaration, although true, he would not have made but from Alexander M'Donnell's assurance that he was bound in law so to do; of the circumstances which occurred on the half-breeds coming down the second time

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to Fort Douglas (as mentioned by Witschy) no details have been laid before me, with the exception of the account given by the "Sonnant" Indian, in his speech on the 17th July 1817, at the council held by me with the Indians at the forks of Red River (Paper, No. 409,) of those proceedings in which he took part, and of the unsuccessful attempt to arrest Grant and Cadot, witnessed by him.

On or about 23d January 1817.

Fort Wedderburn, the principal post of the Hudson's Bay company, in the Athabasca country, was forcibly taken possession of by the servants of the North-West company, under the orders of Archibald Norman M'Leod. It appears to have been taken by surprise, whilst Mr. Clarke, the person in charge thereof, Mr. M'Kenzie and Mr. M'Farlane, two of the Hudson's Bay clerks, were dining by invitation with M'Leod at Fort Chippewaw, the principal North-West post of Athabasca. Hector M'Neil, at that period a clerk in the service of the North-West company, states, in his deposition (No. 360,) that he was present with M'Leod at the time, who, on seeing a flag hoisted as a signal of success, came up to Mr. Clarke, and pointing to the Hudson's Bay post, said to him, "Your fort is taken;" and turning to M'Farlane, tapped him on the shoulder, and said, "You are my prisoners, and here you shall remain till you satisfy me." That M'Leod then called Mr. Clarke, Mr. M'Kenzie and Mr. M'Farlane, together with himself, into his own bedroom, when he produced to them a letter, containing an account of the capture of Fort William, and stated that to be the cause of his proceedings, which under such circumstances they could not blame; that afterwards he obliged Mr. Clarke, by the threats of continued imprisonment, to sign an agreement, binding himself to deliver up the arms at his post, and to sign an order for a similar delivery of the arms at the posts of Great Slave Lake, and Pierre aux Calumey; and on the same being complied with, Mr. Clarke was set at liberty, and allowed to return to his post, but a party of the North-West company's servants were maintained there as a guard. As the acts of illegal violence, which the North-West company are charged with having committed in the Athabasca and adjoining country, to the north-west of Lake Winnipic, for the purpose of expelling the Hudson's Bay company's servants therefrom, are numerous, and at the same time appear strongly illustrative of that general system of illegal monopoly, of which the former company is accused, it appears necessary shortly to trace their proceedings (as far as they have come before me) from the period of Mr. Clarke's going into that country in the autumn of the year 1815, with the party which had been engaged for that purpose by Mr. Colin Robertson, as hereinbefore mentioned.

It is stated by Francis Bonnin, a freeman, who after having served the North-West company 15 years, had been allowed to settle under their protection at Lac la Pluie, in his deposition (No. 301), that having made a present to Mr. Robertson and to Mr. Decorgne (a clerk of the Hudson's Bay company), who were in absolute want of provisions for their journey to Athabasca, of some potatoes, he was much abused for having so done, and threatened by Mr. Leith, a partner of the North-West company, with being turned out of his farm, and sent down to Montreal as a punishment. By Antoine Payé, on his deposition (No. 340), that in September 1815, he was placed at the forks of Peace River, by order of Edward Smith, a partner of the North-West company, for the purpose of preventing any Indians from going to the fort then building by Mr. Clarke in the neighbourhood of the chief North-West post at Athabasca; to detain any game, provisions or furs which the savages might be taking to the English; and in case of opposition by the Indians, to take what they had by force, and send them to the North-West post, where a light canoe was also at all times kept in the water, ready to pursue any Indian canoes that might attempt to have any communication with Mr. Clarke, and that in case any of Mr. Clarke's canoes went out, they were immediately pursued by a canoe from the North-West company; that during this time, Mr. Archibald M'Lellan and Mr. Fraser, partners of the North-West company, were at the fort with Mr. Smith; that he (Payé) wintered at Great Slave Lake, and after the arrival of Mr. M'Auley, of the Hudson's Bay company's service, he was sent by M'Lellan to fix himself in a lodge, together with one Pierre Blaye, within forty or fifty feet of the said M'Auley, with orders to allow no savage to go to the English encampment, and to beat them if they persisted in doing so; that some days afterwards he took away with him a band of savages, with whom he passed the winter, in order to be certain that they took no provisions or furs to the English; two other Canadian servants, of the names of Elotte and Mickles, being sent in charge of other bands; Payé's further states, that the persons who perished by hunger the winter 1815/16, went from the post of Mr. Clarke at Athabasca,

Athabasca, which he had been employed to blockade, and that he sincerely believes, that these proceedings of the North-West company prevented Mr. Clarke, during the fifteen days he remained at that post, from obtaining a sufficiency of provisions, or procuring hunters when he set out for the upper posts of Peace River, and that this was the cause of his losing eighteen or nineteen of his people. Several details respecting the occurrences on Peace River, will be found stated in the intercepted letters of William M^c Intosh to John M^c Gillivray, dated from Fort Vermillion (one of the North-West posts on Peace River), the 24th November 1815, and from the said John M^c Gillivray to the agents of the North-West company, dated Dunvegan (another post of the North-West company on the Peace River), 17th January 1816, of both which letters attested copies were filed before me (Deposition, No. 168, marked B and C); the latter contains the following summary of what had occurred up to that date in the Athabasca country:—"Our opponents dispersed their forces in the following manner; viz. two canoes, two clerks, were sent by them to Slave Lake; four canoes, three clerks, with twenty-seven men, remained in the environs of Fort Chipewaw; and Mr. Clarke, with eight canoes, six clerks, and fifty men, prosecuted his voyage for the invasion of this (Peace) River. I passed the armada at —— River (where they had put ashore, to send a Maskigon Indian they had brought with them from Cumberland House, a hunting), and made the best of my way, accompanied by our seven canoes, to Fort Vermillion, where matters were arranged as expeditiously as possible, and I continued the voyage to this place (Dunvegan), where I arrived the 20th October. Just as I was starting from Fort Vermillion, Mr. Clarke's own canoe arrived, and as he was destined for this place, which he meant to make his head-quarters, I naturally concluded he would make his appearance very soon after me, and consequently lost no time in taking every precaution my judgment could suggest, in getting the natives off to their hunting grounds, and out of harm's way, as quick as possible; on the 1st November they all started." He then goes on to express his surprize at receiving no intelligence, as he had left orders with Mr. M^c Intosh to send him an express, as soon as any part of the opposition settled at his place (Fort Vermillion), but which he was prevented doing by the tardy movements of the latter; which he details as follows:—"Mr. Clarke remained ten days in his encampment at Fort Vermillion, living upon button de rose, waiting the arrival of his canoes; getting at length anxious respecting their non-appearance, he sent down M^c Dougall (one of his clerks) with his canoe and six men, to know what retarded them; M^c Dougall found them a little above Loon River, starving like church rats, and many of them so much reduced that they were not able to stand. Young Nolin, accompanied by twelve men, embarked on board two light canoes, and made the best of their way in a wretched predicament down to Fort Chipewaw; twenty-four of the most vigorous and active men were then selected in three canoes, with an assortment of goods, accompanied by M^c Dougall, Godin and La Ronde (clerks), and proceeded upwards to join Mr. Clarke, leaving twelve men and two clerks in their encampment, with the residue of their goods; some of the latter mentioned men were in a most deplorable state when they saw them last, by starvation. At Point de Roche the progress of the above-mentioned three canoes was completely stopped by starvation. Godin and La Ronde made shift to walk along the beach till they met Mr. Clarke, who left his encampment at Fort Vermillion, with his two men, being of opinion all his people had returned back to Fort Chipewaw. Mr. Clarke then made another effort, and visited a small band of the Fort Vermillion Indians, who had it not in their power to alleviate his distress, as some of Mr. M^c Intosh's men were with them, and they were starving themselves; during this time our Mr. Archibald M^c Gillivray went down to Point de Roche, to learn something respecting the movements of our opponents, and he found M^c Dougall with the men he had with him, reduced to the very last extremity by starvation; M^c Dougall with eighteen of their men delivered themselves and goods over to the North-West company in order to save their lives, as they must have inevitably perished otherwise. One of these men *died* of starvation on his way to M^c Intosh's, and the others were a true picture of the resurrection." Such, with probably some further details, which have not been filed before me, were the accounts which appear to have been conveyed by the North-West winter express of 1816, taken by Colin Robertson, and it is respecting these, that Alexander M^c Donnell, the North-West partner, observes, in his letter of 13th March 1816 (whereof an extract was proved before me by Colin Robertson, Deposition, No. 167,) "Glorious news from Athabasca;" and

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(23d January 1817.)

and that Cuthbert Grant (in a letter of the same date to Alexander Fraser, which has been filed before me, Deposition, No. 168, marked J.) says, "You must know that "Robertson's famous Clarke is gone to pot, his men have all left him, two of them "dead of hunger, and the rest are always in danger of being cut off by the natives "there, which will give Robertson a terrible fever when he hears of it."

The intercepted letters of Colin Campbell, a clerk to M'Robb and Cowrie, two other clerks of the North-West company, dated Dunvegan, 10th May 1816; and of John Duncan Campbell, a partner to Edward Harrison, a clerk, dated Cumberland House, 6th April 1816, filed before me (Deposition, No. 240, marked A and B) contain further details of Clarke's party; the former in particular states, "that the arrange- "ment entered into by M'Dougall was to deliver up all his goods and men to the "North-West company, if they would but save their lives in giving them provisions, "and that they would engage not to serve against that company for the term of one "year; that one poor man died of hunger before he could get to the house; that "Clarke, after being repulsed in all his attempts, and losing three more men by starv- "ation, was glad to come to terms, and deliver up all his goods, say about 60 pieces, "till next December, for the sake of 700 lbs. dried meat and pemican, enough to "take him and his remaining crew down to Fort Chipewaw, for which place he set "off in January; that in the fall, twelve men of his in two canoes, conducted by "François Nolin, attempted to return from Loom River to Fort Chipewaw, but in "the weak state they were, they all perished except three men; Clarke, on his "arrival at Fort Chipewaw, finding that his people were starving, and wishing to "leave him there also, made another agreement with Messrs. Fraser and Smith to "feed him and people, for which he is to remain quiet until the 20th instant, and not "have any thing to do with the Indians, at the same time all expenses must be paid "by him out of their goods at the North-West rates and prices. At Great Slave "Lake, Mr. M'Lellan was also successful in making M'Auley capitulate early in "the fall;" whilst Robert Henry, a partner of the North-West company, in his letter to his uncle, Alexander Henry, of Montreal, dated Fort William, the 22d May 1816, recapitulating the whole loss of men by the Hudson's Bay company the preceding winter, states it to have been "north of Michipicoton and the Pec, 4 of their men "starved to death, 6 deserted, and 6 died at the Bay of the scurvy; 2 starved to "death in Lake Winnipic; 2 drowned, 22 killed on Red River; 16 men, 1 woman, "and 1 child starved to death, some of them eaten by their surviving companions at "Athabasca."

Previous to these occurrences in the interior being known, it had been resolved by the partners of the North-West company at Montreal, that Mr. A. N. M'Leod, one of the agents, should winter the ensuing year in Athabasca, for the purpose of endeavouring to drive the Hudson's Bay company's people from the country; their views in this respect are openly stated in a letter from John M'Tavish, one of the Montreal partners of the North-West company, to Archibald M'Lellan, dated Montreal, 29th May 1816, filed before me (Deposition, No. 240, marked D.) wherein he states, that "Mrs. and Miss M'Leod are preparing to cross the Atlantic, "in consequence of his intention to winter, which I hope will be productive of the "general good expected from it, in the arrangement of Athabasca; and I trust the "Hudson's Bay people could not be able to establish themselves last winter on such "a footing in that department, as to render their expulsion from it a service of dif- "ficulty and danger." M'Leod appears accordingly, after a short stay at Fort William, on his return from the expedition to Red River, as hereinbefore detailed, to have set out for Athabasca. Joseph Sansfacon states in Deposition (283,) that meeting him going into the interior, M'Leod said, that he was to "bring the English in Athabasca into order," and various details of his proceedings will be found stated in the depositions of George Peter Andries, formerly a clerk of the North-West company (No. 358,) of Hector M'Neill, also a clerk of that company (No. 360,) and of François Deschamps, George Innes, Alexander M'Dougall, and Etienne St. Pierre, in the service of the Hudson's Bay company (No. 354, 356, 357, and 359,) together with some few further particulars in those of eleven guides and canoe-men in the service of the North-West company (No. 361 and 371,) who were examined by me at a period when considerable apprehension was entertained for the personal safety of the Hudson's Bay Company's servants detained in Athabasca. The aforesaid Andries, in his deposition, states, "in consequence of finding he could not continue in the service of the North-West company without being urged to the commission of crimes, or incurring the risk of cruel treatment and persecution,

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in case of refusal to commit them, he formed the resolution of leaving their service, which he did in the month of May 1817, at which time he left Fort Chipewaw, and came across the country to Hudson's Bay, in order to avoid encountering any of the partners of the North-West company." He further states, that Archibald Norman M'Leod arrived at Fort Chipewaw about the middle of September 1816, where he publicly and frequently announced his determination to expel the servants of the Hudson's Bay company from the Indian territories, and of destroying and annihilating their establishments in that country, as prejudicial to the interest of the North-West company; that the said M'Leod often repeated publicly in his hearing, "that Mr. "John M'Gillivray and Simon Fraser (partners of the North-West company,) had been "entirely too lenient towards the servants of the Hudson's Bay company the pre-"ceding year; that it was ridiculous to be scrupulous in driving them from the "Indian territories, and in destroying their posts;" and he adds, that M'Leod said publicly in his hearing, "*that he would stand at no trifle, and that it would be ridi-culous to do so,* in order to effect the destruction of the posts of the Hudson's Bay "company, and in expelling their servants from the Indian territories;" and he further adds, "that some time after the arrival of the said M'Leod at Fort Chipewaw, "and subsequent to the declarations of the said M'Leod as above stated, John "Stewart, a partner in the North-West company, arrived at the same post about the "beginning of October, bringing intelligence of the arrest of divers partners in the "North-West company." It further appears, by the various depositions above-mentioned, that as Mr. Clarke was going into Athabasca in charge for the Hudson's Bay company in September 1816, he was passed at Portage La Loche, about four days paddle from the principal Hudson's Bay post in Athabasca, by Archibald N. M'Leod and Thomas M'Murray, of the North-West company; that on arriving at the Hudson's Bay post, Mr. Clarke and his party learnt, that M'Leod had the same day made prisoners and taken away Duncan Campbell, the person in charge of the post during Mr. Clarke's absence, and Auley M'Auley the principal clerk, who appear however at the end of three days to have been liberated; this is stated by Andries to have been done under pretext of a quarrel, which he believes to have been provoked at the instigation of the said M'Leod by some of his servants; on or about the 3d October, another quarrel appears to have taken place; Hector M'Neill states that having gone on the day in question to visit Roderick M'Leod, a clerk of the North-West company, who was in charge of a guard-house erected by that company immediately adjoining the Hudson's Bay post (a practice, which Andries states to have been universally adopted at every post belonging to the Hudson's Bay company in Athabasca, for the purpose of preventing the Indians from trading or communicating with the servants of that company) he (M'Neill) afterwards went on towards the Hudson's Bay post, at the distance of about one hundred or one hundred and fifty yards, for the purpose of visiting it from mere curiosity, but without any intention of offending or injuring any one, although he has since been informed and believes, there did exist some previous plan on the part of Mr. M'Leod or his agents to lead to a quarrel, by thus sending him into the vicinity of the Hudson's Bay fort, as the said Mr. Clarke was known to be of a violent temper, and that he would not allow any of the North-West company's servants to enter his post; that whilst he was thus walking peaceably round the post, the said Clarke came and made an assault on him on the breast, when after some altercation a battle took place between him and John M'Viccar, (a clerk of the said Hudson's Bay company, acting under the orders of the said Clarke,) which was fought with swords, and ended in his disarming the said Viccar; that the next day warrants, were issued for the apprehension of Mr. Clarke, M'Viccar, and as he believes of one M'Farlane; that the said parties refused to yield obedience to the said warrant, as M'Leod was not an impartial person in the affair, from whom they could expect justice; that in consequence of this refusal, measures were taken by M'Leod and his agents to compel the said Clarke and others to surrender, by making prisoners of his fishing parties and seizing their nets; this appears to have been accordingly carried into execution by George Keith and Thomas M'Murray, partners, and Roderick M'Leod, a clerk of the North-West company, who took three parties of the Hudson's Bay company's servants, and brought them prisoners to the North-West company's post; on which occasion, it appears by the depositions of Innes M'Dougall and St. Pierre, that M'Leod compelled the men so captured to take an oath not to use arms for two years against any of His Majesty's subjects; M'Neill states, that Clarke being by these measures reduced to necessity from the want of subsistence, agreed to surrender himself to the warrant, as did also Mr. M'Viccar and Mr. M'Farlane, of whom the

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latter was, as he believes, discharged from a want of proof against him; that Clarke was offered to be released on giving security, himself in £.500, and two securities in £.250 each; but which security he could not procure, as M'Leod objected to take the bail of the servants of the Hudson's Bay company, but ultimately agreed to take that of a Mr. M'Kenzie, a clerk of that company, jointly with that of Mr. Robert Henry, providing 30 packs of trading goods should be deposited in the North-West store as a counter-security for the said Henry, to which arrangement the said Clarke agreed, although very reluctantly, after a confinement as he (M'Neill) thinks of two days, and being threatened to be sent for the winter up the Peace River, and thence to Montreal in the spring; that M'Viccar was detained in prison some days longer, as M'Leod refused for some days admitting him to bail, in consequence of a letter of his which had been intercepted, wherein the said M'Viccar (as he M'Neill was told by M'Leod) had expressed his hopes of being enabled to revenge what had occurred on Red River, at Athabasca; but that finally he was released, on giving security for £.100. M'Neill also states, that on or about the 26th day of October, he received a verbal order from the said Archibald N. M'Leod, which he understood to be given him as a magistrate, to take one Deschamps, whom M'Leod stated to be greatly in debt to the North-West company, although at that time in the service of the Hudson's Bay company; that Deschamps was accordingly made prisoner, and detained he believes four days and nights, when Mr. Clarke agreeing to pay Deschamp's debts, he was liberated; M'Neill further details the circumstances of his being employed about the 1st November by M'Leod, to take a packet of letters which Mr. Clarke was sending express to Mr. Bird, the chief governor of that part of the Hudson's Bay territories, the intended departure whereof had been communicated by one Duplisses, who as he had been informed and believes, had been engaged by a promised bribe of 500 livres, to act as a spy at the Hudson's Bay post. That in consequence, he proceeded to the North-West post, at Pierre aux Calumeto, which was in charge of John Stewart and Thomas M'Murray, and there waited till the arrival of Larande, the person in charge of the packet, and then, with the concurrence of the said Stewart and M'Murray, followed with three other men, the said Larande, who had with him only one man; that on coming up with Larande during the night, one of their party went over and told him what their orders were, whereupon he burnt the packet. That Larande and his companion then returned with him to the post at Pierre aux Calumeto, and thence were conveyed by him as prisoners to Fort Chipewaw. He adds, that on arriving there on or about the 9th December, he found Mr. Clarke again detained a prisoner on the score of some debt, and was informed that he was obliged to give 13 pieces of trading goods to obtain his release. That afterwards, on or about the 24th day of December, another warrant was issued by the said Archibald Norman M'Leod, against the said Clarke, which he M'Neill was named as constable to serve, but declined doing so, not being satisfied of the legality of the causes for which it was granted; that the day after he was ordered to assist one Soucisse, in taking charge of two lodges that had been erected opposite to the Hudson's Bay House, to prevent their fishermen bringing their accustomed supplies; but whilst these orders were giving, Mr. Clarke finally engaged to settle the claim made by the North-West company, which he believes to have related to some supplies of food given by the North-West company the year before to the servants of the Hudson's Bay company in Peace River, for which Mr. Clarke thought the price demanded exorbitant and unjust. M'Neill then goes on to state the capture of the Hudson's Bay post, on the 23d January, as hereinbefore mentioned, which is also confirmed by the depositions of M'Dougall and Innes, the former of whom deposes to having recognised amongst the servants of the North-West company who assisted Roderick M'Leod in taking possession of the post Cottenau, Thomas Cardin, Laroque, Lajeunesse, Saucisse and Fleurie, the three last of whom were also recognized by James. The Hudson's Bay company's post being thus taken possession of, and their servants there and those at the posts of Great Slave Lake and Pierre aux Calumets disarmed, nothing material appears to have occurred for some time; the latter of those posts was indeed abandoned by Mr. Charles Thomas, the person in charge thereof, who stated he was unable to obtain subsistence after his arms were delivered up, as the Indians were not allowed to hunt for him, or to have any intercourse with his post; and the place did not afford a sufficient supply of fish. On the 14th of April, it appears by the deposition of Andries, that Mr. Clarke was again taken prisoner under pretext that he intended to retake Fort Chipewaw, although he and his people had no other offensive weapons in their fort than a single musket or Indian fowling piece; and Andries adds, that after Clarke's arrest, and during his confinement, he heard Archibald Norman M'Leod

M'Leod say, "that he would send him (Clarke) beyond the rocky mountains to the Columbia River;" and that since his own departure from Fort Chipewaw, he has been credibly informed, "that the said Clarke had been sent a prisoner in that direction, in custody of several persons, and among them a *bois brulé*, of the name of Beaulieu, a violent enemy to the said Clarke, against whom he has heard Beaulieu express the strongest antipathy."

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By the depositions of M'Dougall and Innes, it appears that after the arrest and imprisonment of Mr. Clarke, Archibald N. M'Leod caused all the prisoners, as well as the remainder of the Hudson's Bay company's goods, and all their canoes, to be taken over to the North-West post; by which means the Hudson's Bay company's servants being left without means of subsistence, or conveyance from the country, were at length, after suffering much from famine (M'Dougall stating that they passed three days, and himself three days and a half, without anything to eat) compelled to agree to the terms proposed by M'Leod; in consequence whereof they signed an agreement, and took an oath, to the number of nearly fifty, not to make use of arms against the North-West company for two years, nor to return to, nor remain in that part of the Indian territories in the service of the Hudson's Bay company, or of the Earl of Selkirk, for the same period of two years; in consideration whereof, Robert Henry and Simon M'Gillivray agreed, on behalf of the North-West company, to maintain them, and procure them a passage as far as Cumberland House; of this agreement, as sworn to and signed before M'Leod, as a magistrate, on the 20th May 1817, a copy is annexed by Innes to his deposition, and the same appears to have been carried into execution, with this exception, that the said St. Pierre, M'Dougall and Innes, all concur in stating that they were very ill supplied with provisions, often passing the whole day, and sometimes two, without having anything to eat, and obliged, as the two latter state, to eat their dogs; that they were also detained till the beginning of July, before canoes were furnished them to come out. Andries, in his deposition, gives some details of the measures adopted to prevent any intercourse between the Indians and the Hudson's Bay company's servants. At the period that Campbell and the other clerks were made prisoners, in September 1816, as before-mentioned, he states that several Indians, in the habit of trading with the Hudson's Bay post, were also made prisoners by M'Leod, and brought to Fort Chipewaw, where they were detained some time under a guard; that he was sent with two of them to hunt, and that he was directed by Robert Henry to let fly at (meaning thereby to shoot) any of the servants of the Hudson's Bay company, who might endeavour to communicate or talk with the said Indians; the said Henry offered him pistols for that purpose, which he refused. That himself and several other persons were directed to watch these Indians, to prevent their having any intercourse or conversation with the servants of the Hudson's Bay company; that towards the spring two other Indians were taken prisoners, pursuant to orders from the said M'Leod, by a party of the North-West company's servants (who were sent in quest of them for having traded the preceding autumn with the Hudson's Bay company, and sheltered two of their servants during the winter,) and that the Indians were put in irons, and confined. That a pretext of the Indians being in debt was sometimes advanced; but this was in many instances denied by the Indians, and, as he believes with truth, as was in one case acknowledged by some of the clerks or partners of the North-West company. That at other times these latter openly declared that they would not allow the Indians to trade with any other than themselves, who had first come into the country, and hitherto supplied them; and that the same was the reason assigned to the Indians for the constraint put upon them. Andries adds also, that previous to his leaving Fort Chipewaw early in May, he had a knowledge that all the stores at the Hudson's Bay post at Great Slave Lake and Pierre aux Calumets were taken possession of by A. N. M'Leod and Robert Henry; that orders were given by M'Leod to plunder and take the posts belonging to the Hudson's Bay company at Isle a la Crosse, Little Slave Lake and Great Deer's Lake; and after heard from the said A. N. M'Leod, and from other partners in the said North-West company, that the posts of Little Slave Lake and Deer's Lake had been plundered and burnt, and the people in charge of the same made prisoners, and confined till they took an oath to leave the country. That on his route to Hudson's Bay he passed the post above-mentioned at Deer's Lake, which he found had been reduced to ashes and totally abandoned.

The forcible seizure of the post at Little Slave Lake, with the subsequent burning

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of the buildings, will be found detailed in the depositions of John Lewis, Antoine Desparats, Amable Lafona, and Ferdinand Chilli (Depositions No. 344, 345, 346 and 347); that of the post at Isle a la Crosse, in those of John M'Dougall, John M'Leod, François Deschamps, and Patrick Quin (No. 351, 353, 354 and 355;) and that of Green Lake, in those of M'Donald and Fouissaint Paquin (No. 350 and 352.)

By these depositions it appears, that the post of Green Lake was taken with circumstances of great violence and outrage on the 2d December 1816, by Alexander Stewart, a partner of the North-West company, assisted by Michael Kline and Robert Henry, clerks, and nearly twenty of their servants; and that Mr. Decoigne, the person in charge of the post, together with John Lewis, a clerk in the Hudson's Bay service, and an interpretor of the name of the Little Pidgeon, were made prisoners. That upon Mr. Decoigne asking Stewart the cause of his proceedings, he first said, "because I have heard from some Indians and freemen, that you intended to seize "my house and property;" but he soon afterwards said it was by way of revenge for what had happened last spring at Red River. And Lewis adds, that he is certain, that the arrest and seizure of themselves and goods was resolved on before Stewart's arrival at Lesser Slave Lake in October; for, contrary to the usual custom of the North-West company, Stewart took no steps whatever to obtain furs from the Indians, or to prevent them from bringing furs to the Hudson's Bay company's post. That the next day after their taking them prisoners, Alexander Stewart went again to the Hudson's Bay post, and brought away all the property found therein, consisting of 11¼ packs of valuable furs, 1,500lbs. of meat, and three bags of pemican, and a quantity of trading goods and stores; partly, also dismantling the buildings, and appropriating to the use of the North-West company the doors, windows, flooring, hinges, furniture, and whatever they could convert to use, and wantonly destroying the remainder. François Chilli further states, that about a month afterwards he was told, that three persons of the names of Labette, François Gardepié, and d'Appassashish, went from the North-West fort to the said Hudson's Bay post, and as he heard set fire to it; and that he afterwards himself saw, that the buildings of the post consisting of two houses and a hangard, had been burnt, and that he asked Mr. Stewart why he had caused them to be burnt; to which he answered, that he knew nothing about it, laughing at the same time; and he (Chilli) adds, that he verily believes that the houses were burnt by order of Mr. Stewart; and that he has seen the said Labatte, Gardepie, and d'Appassashish, received and well treated by the said Stewart, after having burnt the same.

On this charge a bill of indictment for burglary was found at the court of oyer and terminer at Montreal, in February last, against Alexander Stewart, Robert Henry, and Jean Baptiste Deschamps.

The Hudson's Bay post at Isle a la Grosse, was in like manner forcibly taken possession of with circumstances of great violence, on the 16th March 1817, by Samuel Black, a partner of the North-West Company, acting under the orders of John Thompson, another partner, and a magistrate for the Indian territories; as was also the neighbouring one of Green Lake on the 20th of the same month of March, by the said Black and a Peter Skeene Ogden, a clerk of the North-West company, in charge of the post belonging to that company at Green Lake.

At Isle a la Grosse, it appears by the deposition of John M'Leod, the clerk in charge of the Hudson's Bay company's post, and John M'Dougall, a servant of that company, that a long course of violence had been pursued on the part of the North-West company's party towards that of the Hudson's Bay, by firing upon them at different times so as to alarm and insult them; and in particular that on the 2d January 1817, Samuel Black, a partner of the North-West company, came with Peter Skeene Ogden and Benjamin Frobisher, clerks of the company, and about thirty men, part of them armed, and endeavoured by words and gestures to provoke the Hudson's Bay company's servants to come out and fight them; but this John M'Leod prevented, having, as he states, been privately informed that Samuel Black and John Thomson, had formed a premeditated design to provoke him, with a view of its affording them a plausible pretext to seize the persons of himself and his men and the property of the Hudson's Bay company; it further appears, that on or about the 12th February

February, three servants of the Hudson's Bay company, bringing a dispatch from Green Lake, were made prisoners, and taken to the North-West post, of which Thomson gave M^c^ Leod information, stating "that he wanted to know what intelli- "gence there was in the packet, for the safety of himself and his people, in the actual "state of the country, and that if Mr. M^c^Leod would come over, he might see the "packet;" to this M^c^Leod did not however deem it prudent to agree, as it had been reported to him that it was Mr. Thomson's intention to arrest him; that on the 14th February, M^c^Dougall was sent off with three other men express, to inform Mr. Bird, governor of the northern department of the Hudson's Bay territories, of these occurrences, but had not proceeded above eight or nine miles, when he was met by another dispatch coming in, with which he turned back, and that on his return he was met and surrounded at the distance of about one mile from the post, by Samuel Black, Peter Skeene Ogden, and twenty armed men, servants of the North-West company, and was shortly afterwards joined by Mr. M^c^Leod, and an armed party of six other men who had come out for his protection, when, after a good deal of altercation and violence, it was agreed that M^c^Leod should go and see Thomson, as proposed by him, and that all his men should be allowed to return home, and that the arms which had been taken from a part of them, should be restored. This accordingly took place, and John M^c^Leod states, that on entering the North-West post, Thomson presented him with the packet of letters taken on the 12th, "desiring him "to open and read them; that he took the letters and put them in his pocket, "saying he would open them at home, and turned about to leave the house, when "Samuel Black shut the door, and John Thomson told him he was arrested, and that "some arrangement must take place before he could be liberated, and desired him "to send for John M^c^Dougall, or some other person to witness the agreement that "might be made; that John M^c^Dougall came over to the house of Thomson, and "was there detained with himself two days, in the course of which time he was "repeatedly pressed by John Thomson to deliver into his hands property of the "Hudson's Bay company, to the value of five hundred pounds, on which terms alone "he was told that he would obtain his liberty; that he told John Thomson on that, "he would not give a shilling's worth of the Hudson's Bay company's property, that "if he had infringed the laws of his country, he might detain his person, or accept "such other security as he could provide; that the said Samuel Black replied, that "they (meaning himself and John Thomson) did not care a damn for his person, "and that if he did not give up the goods, they would take them and his house "together." After a detention of two days, it appears, however, that M^c^Leod and M^c^Dougall were finally liberated, on the former signing an agreement in the nature of bail, and undertaking not to send off any packet to Athabasca at any event, nor elsewhere, without previous notice being given to the said Thomson or Black, for the performance whereof M^c^Dougall and another Hudson's Bay clerk were securities. On the 15th day of March, it further appears, that John M^c^Leod set out himself to visit Governor Bird at Carlton House, having previously stated his intention to Black, but that he was seized on the way and made a prisoner by the said Black, and eight servants of the North-West company, and by them conducted to Thomson's post, where he was put into close confinement in the back part of the house; that on the ensuing morning, the Hudson's Bay post was seized upon by an armed party of men, under the command of Samuel Black, who broke into the same about daylight, forcing open three doors; that all the arms in the post were taken away, which was said to be by the orders of John Thomson, a justice of peace, to prevent bloodshed, and that a guard was left at the post, whilst Black went with the arms to the North-West post. M^c^Dougald adds, that about ten or eleven o'clock, "John Thomson and "Samuel Black came to the Hudson's Bay House, and endeavoured to prevail upon "him by threats of the authority of the former as a magistrate, to allow them access "to the store, but that being refused by him, the said Thomson said to Black, we "cannot stand losing our time, but must get in one way or another, or words to that "effect; whereupon the said Black broke open the door, and called in several of the "half-breeds and other servants of the North-West company," (amongst whom M^c^Dougald mentions Jean Marie Boucher, Joseph Chartier, and one Desroches,) whom Black directed to take away the goods, which was accordingly done; he (M^c^Dougald) being scarcely allowed to take a hasty account thereof; he adds, that the goods ware taken over to the North-West post, but that he cannot say how they were afterwards disposed of, though he has considerable reason to suspect that a part was used for the trade of the said company.

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Incloures in Sir J. C. Sherbrooke's, of 20th July 1818.; viz. Mr. Coltman's Report, &c.

On this charge a bill of indictment for burglary was found at the court of oyer and terminer, held at Montreal in February last, against John Thomson, Samuel Black, Chartier, Joseph Paul, and Jean M. Boucher.

(23d January 1817.)

The capture of the Hudson's Bay company's post at Green Lake, on the 20th March, as hereinbefore mentioned, seems in like manner to have been carried into execution in the first instance, by securing the arms and making prisoners of the persons in charge thereof. John M'Donald, who gives the fullest details relative thereto, states, that the next day about twelve o'clock, Samuel Black and Peter Skeene Ogden, came over to the said Hudson's Bay post, where a guard had been left, and ordered Mr. Ducharme, the person in charge, to deliver up the keys; which Ducharme did, telling Black that he forced him to do so, which the latter acknowledged; and that he then caused the doors of the shop and stores to be opened, and carried over to the North-West post all the property therein, with the exception of a little provisions and tobacco left to the prisoners; and that the said property consisted of a considerable quantity of goods and furs, principally beaver and martin skins, and ten canoes; that after having remained prisoners at Green Lake for two days, nine men, including Ducharme and himself, out of the total number of eleven belonging to the post, were sent to Isle a la Crosse with a guard of armed men, under the command of Samuel Black.

At Isle a la Crosse it appears, by the depositions of John M'Dougall, that from this period the servants of the Hudson's Bay company remained prisoners at large within their own post, under an armed guard of the North-West company's service; that after two or three weeks, they were rejoined by Mr. John M'Leod; that they were allowed and expected to fish for their livelihood, but that the men being unwilling to work when prisoners, and nearly the whole of their canoes being taken away before the opening of the navigation, they suffered a good deal from want; that Mr. M'Leod, and four others, escaped by land towards the end of the winter; that on the 8th day of June, Mr. Archibald Norman M'Leod took seventeen of their best men away in his canoes, and carried them, as he believes, to the North-West post at Isle la Ronde, where he is totally ignorant of their situation; that on the 17th July, four canoes of the Hudson's Bay company's servants arrived at the Hudson's Bay post at Isle a la Crosse, containing each about twelve men; that two of these men were left at Isle a la Crosse, and himself and John M'Donald came out in their stead, leaving about twelve persons still prisoners at that place. M'Dougall further adds, that he was informed by George Innes, the Hudson's Bay company's clerk, who came out with the four canoes above mentioned, that there still remained twenty or thirty persons prisoners in the Athabasca country; these, it will be observed, are the latest accounts received from Isle a la Crosse or Athabasca.

(28th January 1817.)

The declarations made by captain D'Orsonnens at Fort Douglas, in the winter 1816-17, of his further intentions of stopping the North-West canoes in Lake Winipic, have already been stated; Hervey M'Kenzie, in his deposition (No. 377,) taken at the Falls of St. Mary's the 5th June 1817, details at some length, and with apparent sincerity, the apprehensions then entertained by him of the interruption of the North-West company's trade, by the Earl of Selkirk and his party; and in one of a subsequent date (No. 321,) he further states, that as he was proceeding, in August 1817, into the interior, in company with Archibald M'Lean, a barrister of the province of Upper Canada, they met Miles M'Donnell, who had some conversation with the said Archibald M'Lean, which the latter immediately repeated to him (M'Kenzie,) and that the purport thereof was, that Miles M'Donnell and his party would have been in possession of all the North-West company's posts, had it not been for the proclamation and the subsequent arrival of the commissioner named therein; and Archibald Norman M'Leod states, in his deposition (No. 372,) that Mr. John Clarke, superintendent for the Hudson's Bay company in Athabasca, repeatedly told him, and with much seeming exultation, very nearly in the fall 1816, that he (M'Leod) and his people would all be made prisoners in the spring by Lord Selkirk's forces, which had taken Fort William.

J. C. M'Tavish has also proved before me (Deposition, No. 163, marked K,) the copy of a narrative by Mr. Thomson, taken from the original in his handwriting; and Mr. M'Gillivray has annexed to his deposition (No. 373,) two papers, marked

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marked C and D; the former purporting to be agreements and arrangements in Athabasca, in the winter 1815 and 1816; and the latter, a narrative of the transactions at that place in winter 1816-17; which he attests as true and faithful statements, according to the information which he has received, as principal agent and proprietor of the North-West company, of the respective transactions to which they relate: No part of these papers can of course be considered as evidence, further than as to the existence of certain documents mentioned therein, of which the authenticity may probably be hereafter proved. Mr. Thomson, in his narrative, dwells principally upon the taking of Fort William, and the North-West post at Lac la Pluie, by Lord Selkirk and his followers, and the apprehensions entertained by him, that a general capture of all the North-West posts in the Indian country was intended; and describes the various steps taken by himself as measures of precaution. According to his statement, the first arrest of John M'Leod appears to have taken place on account of the part taken by him in the disturbances on Red River the year before, where he assisted as hereinbefore stated, in the capture of the North-West post at Pembina; from this arrest he was liberated, on giving security to keep the peace for twelve months, and engaging not to send off any letters, or any verbal messages, to the North, or Athabasca, and to give previous notice of any he might send to the South, or Saskatchwine. Accounts having been received, that this agreement was much disapproved of by Mr. Bird, the governor of that part of the Hudson's Bay territories, M'Leod thereupon is stated to have given Mr. Thomson notice on the 14th March, of his intention of proceeding to Mr. Bird's post, in order to have a full explanation with him; and, notwithstanding Thomson's remonstrances, he accordingly set off the next day; this, as Thomson states, he considered a virtual breach of the agreement, as no further attention would be paid thereto, after M'Leod's departure; that he therefore thought the most prudent plan would be to prevent his going, and consequently had him and his men brought back to the North-West company's post, after they had been gone a few hours, and on the following morning caused M'Leod's people to be disarmed; that a few hours afterwards, he went over to M'Dougald, second in charge to M'Leod, who was detained in custody, and told him the reason for what had been done; he further adds, that "in order to "prevent confusion, and obviate any idea of wishing to appropriate their property, "M'Dougald was requested to make an inventory of all the goods, &c. they pos-"sessed;" which was accordingly done, and signed by both parties, and the property lodged in a separate store in the North-West post. Mr. Thomson appears also to acknowledge having authorized, on similar grounds, the seizure of the Hudson's Bay posts at Green Lake, and at Lac Caribou, but enters into no details relative thereto He further states, that as it appeared, by the last accounts they had received, that Lord Selkirk still kept possession of Fort William, and Lac la Pluie, it was thought, from this and other concurring accounts relative to his position and plans, a necessary measure for their own safety, to leave the Hudson's Bay company's men in the interior, with proper means for their subsistence, as the taking them out, would be adding a strong force to that of an enemy, whom they had the most serious reason to believe would attack them; that on reaching Cumberland House, they were released from much of their anxiety on hearing that Government had interfered, and appointed commissioners; that in consequence they requested Mr. Kennedy, in charge of the Hudson's Bay post at that place, to send in provisions, that his people might immediately come out, and offered some of their own men to accompany his, and forward the commissioners notices; but that the proposal was declined by him. Mr. Thomson finally states, that every precaution prudence could dictate was taken, to prevent any violence in carrying his measures into effect; that not the least personal injury was sustained; that individual property of every kind, arms excepted, was left untouched, and not even a paper looked at.

Should the foregoing statement of Mr. Thomson be hereafter made out in evidence, it may certainly palliate, to a considerable degree, the charges against him; for, although he does not even himself state grounds sufficient to justify the seizure of the company's property, yet what he does state, seems sufficient to remove the supposition of any intention of a felonious conversion of the property; and to show, that a good deal of allowance ought fairly to be made, for the difficulty of the situation in which he was placed. With respect to the proceedings at Athabasca, it is more difficult to form any opinion, even of that contingent nature expressed relative to those of Mr. Thomson, from the want of any general statement by Mr.

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Archibald Norman M'Leod; but by the papers stated to be in possession of the North-West company, it appears, that in many of the proceedings with which M'Leod is charged, he acted under affidavits, laid before him as a magistrate; and that regular lists of the property, delivered up at different times by the Hudson's Bay company servants, accompany the agreement made with them; and it is also stated, that no personal injury was sustained by any one during the transactions in question. As to the occurrences at Little Slave Lake, no evidence or explanation of any kind has been offered by the North-West company; nor has any testimony been brought forward, to counteract that which has been given of the hostile intentions avowed by M'Leod, previous to the capture of Fort William; possibly, indeed, the North-West company may be ignorant of the charge on this last point.

The Earl of Selkirk was served by William Smith, the deputy sheriff of the western district of Upper Canada, at Fort William, with a writ for the restitution of the said post to the North-West company, to which the Earl refused to yield obedience; the said Earl, captain Matthey, and John Allan, were also arrested under a warrant for felony by the said William Smith, which warrant was also resisted by them, and the said Under Sheriff made a prisoner by an armed party in the service of the said Earl.

By the deposition of Colin Campbell, of the 22d May 1817 (No. 276,) who was present as an assistant to the said under sheriff in the service of the aforesaid writ and warrant; and by that of the said Campbell and Henry M'Kenzie jointly, of the 25th August 1817, it appears, that on entering the room where the Earl of Selkirk was, they found captain Matthey and Dr. Allan with him, "That the under sheriff "produced his warrant of restitution to the said Earl, and demanded of him in the "King's name to deliver up the said Fort William to him, and all the effects therein; "that thereupon his Lordship said, he did not consider that the said under sheriff had "any power as such, and that he would consider him as a private individual; that "the said under sheriff again commanded the said Earl, in the King's name, to "make restitution of the said fort, and the effects therein; that the said Earl there-"upon said, that he had purchased the said Fort William and all the effects therein, "from a partner of the North-West company, and that he considered the said Fort "William, and every thing in it as his own, and that he would not give it up; "whereupon the said under sheriff asked his Lordship, if he would resist him and "his warrant? upon which the said Earl said, he would resist him and his warrant, "that he had force enough to resist, and that he would make use of such force in "resisting the warrant; that thereupon the said under sheriff told the said Earl, "that he considered himself in legal possession of the house in which he was, and "all the said Fort William, and that he would not abandon his possession until he was "forced to do so; whereupon the said Earl then said it would soon be settled, and "went up towards the sheriff and seized him by the arm, and said he would turn "him out, and pushed him towards the door." Upon this it appears, that the under sheriff produced his warrant for the personal arrest of the Earl, captain Matthey, and John Allan, and executed the same by laying his hand upon each of them, and telling them, "that they were his prisoners in the King's name;" that some conversation took place between them on the subject of the said arrest, in the course of which the under sheriff asked the Earl, whether he intended to submit to or resist the said warrant; to which the Earl replied, he certainly would resist, "that "the appointment of commissioners by His Majesty's Government superseded all "other appointments, and that he would be a fool to submit when so great a supe-"riority of force was at his command," or words to that effect. That after the said conversation, the Earl took hold of the under sheriff by the arm, and forced him out of the room in which the arrest was made; that a guard was standing at the door of the said room, consisting of serjeant Pugh and six men of the 37th regiment, whom the under sheriff called upon in the King's name to assist him, which the said serjeant refused to do, although an order signed by Colonel Harvey, Adjutant General, containing directions to that effect had previously been delivered to him, but which he refused to obey, "as it was not signed by Sir John Coape Sherbrooke, the com-"mander in chief." Campbell adds also, that one of the men of the 37th regiment at this moment loaded his musket with ball; he further states, that the under sheriff and himself having retired to a house in the fort, a serjeant Grail of the late regiment De Meuron and four men, fully armed and dressed in the uniform of that regiment, came

came to the under sheriff and told him, they came to make him and his party prisoners; that the under sheriff asked him by what authority he did so, and the serjeant replied, that the Earl of Selkirk had commanded him to do so, and that he must do so; that the under sheriff then commanded the said serjeant Grail in the King's name to withdraw himself and his guard, which the said serjeant refused to do, and made the said under sheriff and all his party prisoners, and kept a guard and sentry over them the whole of that night. It appears, however, that Campbell and some of the party were released the next day, and left Fort William on the 22d March, when the said under sheriff and some of his party still remained in confinement.

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(19th March 1817.)

The general purport of Campbell's deposition, and various circumstances mentioned therein, are further confirmed by those of William Smith, the said under sheriff, of the 15th July (No. 277), of the said Smith and others, of 9th August (No. 279), and of James Taitt (No. 270); it further appears also, from the last-mentioned depositions, that the said under sheriff was kept in confinement till the month of May following.

On the part of the Earl of Selkirk, the only evidence laid before me, is that of John Allan, whose statement (Deposition, No. 280) does not very materially differ from that of Campbell. Allan states however, that the reason assigned to Smith by the Earl of Selkirk for not obeying the writ of restitution, "was that it was illegal, "in as much as Fort William did not belong to the North-West company, but to "the Crown, having been built on land to which no title had ever been granted, "and that even if it were legal in other respects, it could not be lawfully put in "execution, without the sanction of the special commissioners;" and with regard to the warrant for their personal arrest, he further states, that upon reading it, "Lord "Selkirk told him that it was founded on perjury, and at all events could not be "legally enforced without the sanction of the special commissioners; upon which "Smith declared, that he must either take the Earl of Selkirk, and the others pri-"soners, or become one himself; that he (Allan) asked Smith whether he had heard "of what had befallen Mr. Keveney, after delivering himself as a prisoner into the "hands of the North-West company, and if Smith had the means of protecting the "Earl of Selkirk, him and others from the same fate, if they should surrender to "him; that to this Smith replied, that he was by no means bound to respect the "public notification of the special commissioners; that he knew what had befallen "Mr. Keveney, but that the sheriff or his deputy was not by law responsible for the "consequences of the warrants which he might enforce, and that if the warrant had "been obtained by perjury, he (Allan) and the others aggrieved would have an "action of damages; that he (Allan) then said, an action of damages could not "restore a man's life, and that he would never surrender alive to a band of mur-"derers, meaning the North-West company; but that if Smith chose to wait till the "arrival of the commissioners, he would then submit to the warrant, if they approved "of it, when there would remain no doubt of its legality, and when he could do so "under a power that would protect him from murder; but that Smith insisted that "nothing would satisfy the scruples of his conscience according to his oath, but the "absolute and immediate surrender of the Earl of Selkirk, himself and others, "named in the warrant, into his power; that then the Earl of Selkirk and himself "told him (Smith,) that they had no wish to involve him in difficulties, by making "him neglect his duty, and that if he chose to call witnesses, the Earl of Selkirk "would put his hand to Smith's shoulder while he walked out of the room, so that "by their testimony he might exonerate himself from responsibility, which was ac-"cordingly done." Allan then details various charges alleged against John Duncan Campbell, one of the partners of the North-West company, who had accompanied the under sheriff to Fort William, and states, that in order to prevent any act of violence by Campbell and his associates, a guard was directed to watch their motions, but they were not confined to their room, or prevented from going away, if they had thought proper; and he finally adds, that on the 21st March he learnt, that Smith had threatened a renewal of his attempt to enforce his warrant of arrest, and that he had been prevented by some of the Meurons from quitting his apartment.

A proclamation was issued by Sir John Coape Sherbrooke, Governor in Chief of British North America, by command of His Royal Highness the Prince Regent, notifying

On the 3d May 1817.

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notifying the appointment of the undersigned, and John Fletcher, Esquire, as special commissioners for inquiring into and investigating all offences committed in the Indian territories, and the circumstances attending the same; and also as magistrates for the said Indian territories, for the purpose of enforcing the various injunctions of the Prince Regent contained in the said proclamation; and of restraining all offences in the said Indian territories, and of bringing to condign punishment the perpetrators of those committed there.

(3d May 1817.)

Proceeding in the execution of this charge, the depositions of Joseph Fagnan and François Tapier (No. 374 and 375) were laid before the commissioners at Montreal, stating the violent and alarming declarations made by a number of men formerly belonging to the late regiment De Meuron, who were about to proceed to join the Earl of Selkirk in the Indian territories. The commissioners found these men at La Chine, and there received from lieutenant Joseph Wittnur, the person who had engaged them on behalf of the Earl of Selkirk, a copy of their agreement, which, together with various explanations given by him, will be found on reference to his deposition (No. 376,) wherein he states in particular, that he has no knowledge of any military equipment. In some degree satisfied by these assurances, the commissioners, after causing the proclamation to be read and explained to these men, and receiving assurances of their peaceable intentions, allowed them to proceed by way of the Ottowas River, whilst they went on themselves to York; at this latter place they were overtaken by Colin Campbell and Henry M'Kenzie, the former of whom made, before them, the deposition (No. 276,) mentioned under the last head, detailing the resistance of the Earl of Selkirk to the writ of restitution and the warrant; the support afforded, under his Lordship's influence to this proceeding, by the party of the 37th regiment, granted by Government for his personal protection; and finally, the imprisonment, by an armed force, acting under his Lordship's control, of the civil officer in charge of the said processes; and the latter (M'Kenzie) stated, that notwithstanding the assurances given the commissioners, a quantity of arms had been taken on board the canoes in which the men of the late regiment De Meuron were proceeding, in cases fitted with hinges, locks, straps, and buckles, so as to afford easy access thereto. This information, which renewed the suspicions entertained of the views with which these men were engaged, was afterwards confirmed by the said M'Kenzie, in his deposition (No. 377,) taken at the Falls of St. Mary, the 5th June 1817; which contains also various other details, by the consideration whereof the commissioners were impressed with the conviction of the necessity of one of them remaining at St. Mary's till the arrival of the above-mentioned party of men, in order to take such measures as might appear necessary, to insure their peaceable conduct in the Indian territories; whilst the presence of the other in the neighbourhood of Lake Winnipic, at the earliest possible period, appeared of equal urgency. Under these impressions, the undersigned commissioner set out to proceed without delay for the interior. Fort William, he found, had been re-occupied by the North-West company, under the authority of William Smith, the under sheriff, as will be found stated by him in his deposition (No. 279,) and also various other details connected therewith in those of Wm. M'Gillivray, John Spencer, and John M'Nab (No. 378, 379 and 380.) The North-West posts at Lac la Pluie and Bas de la Rivière, were found also to have been given up without contest, by the followers of the Earl of Selkirk; to Mr. Angus Shaw, the said under sheriff and others, who had preceded the commissioner a few days into the interior, with the proclamation. In the re-occupation of these posts, and the seizure of other property, under the presumption of its having belonged to the North-West company, Mr. Shaw and his party, appear to have acted with much illegal violence, and to have taken and detained many articles that had never belonged to the said company. The particulars of these acts of violence, as relating to a parcel of wild rice seized at the River Maligne, will be found stated in the depositions of Joseph Bouvier, Louis l'Ecuyer, and Baptiste la Londe (No. 381, 385, and 386;) to the re-occupation of the post at Lac la Pluie, and the seizure of goods there, in those of Antoine Dubud, Charles Bouc, and Jean Baptiste Chauvin (No. 387, 388, and 389;) and to the like, at Bas de la Riviere, in those of Miles M'Donnell, Pierre Paul Lacroix, and Solomon Desmarrais (No. 391, 392, and 393;) by the two last of which it appears also, that the commissioner arrived at Bas de la Rivière, barely in time to prevent the sending off, by the North-West company, of an armed party for that river, as the same was actually prepared, and part of the men embarked in the canoes; from the declarations made by some of them, it appears

Inclosure in Sir J. C. Sherbrooke's, of 30th July 1818; viz. Mr. Coltman's Report, &c.

(3d May 1817.)

appears that measures of extreme violence had been in contemplation. On the part of the North-West company, the depositions of Antoine Brisebois, William Smith, Angus Shaw, and Vincent Roy (No. 382, 383, 384 and 390,) have been laid before the commissioners as relative to these affairs; the three first stating, that the persons in charge of the wild rice seized by Mr. Shaw at the Rivière Maligne, had acknowledged it to be the property of the North-West company; and the latter detailing a violent assault by M'Donnell, the person in charge for the Earl of Selkirk at Lac la Pluie, on the said Roy, a few days after the re-occupation of the post. The great complaint made by the North-West company was, however, the arrest and imprisonment of the under sheriff, which took place at Fort Douglas on the 24th June 1817; the alleged grounds on which this measure was adopted, will be found stated in the deposition of Miles M'Donnell (No. 391,) already mentioned; these appeared however, to me, so insufficient under all the circumstances to authorize the measure adopted, that there could scarcely be a doubt the real motive was to prevent any attempt on his part to enforce his warrant for the arrest of the Earl of Selkirk; as there can (notwithstanding his declaration when examined, "that he came up "along with Mr. Angus Shaw to keep the peace, and to prevent any hostile act") be little doubt, that it was for the purpose of attempting to execute this warrant that he was brought into the interior.

On arriving at Red River, the complaint of the North-West company, respecting the imprisonment of the under sheriff, was one of the first objects pressed upon my attention; although the grounds of his original arrest did not appear to me sufficient to warrant the measure, yet evidence had been subsequently obtained of a considerable breach of the peace, in taking possession of the North-West post at Lac la Pluie, in which the under sheriff had taken an active part; the particulars thereof are stated in the deposition of Antoine Dubud (No. 387), above mentioned. In consequence of this latter charge, the under sheriff was therefore bound to give security for the peace, and thereupon liberated. Very pressing applications were subsequently made to me by him for the aid of my authority and support, in enforcing the warrant against the Earl of Selkirk and others; to this, according to the strict principles of law, perhaps he was entitled; but at the same time there appeared to the undersigned so much doubt, as fairly to authorize him and probably indeed to render it his duty, to defer any proceeding till the arrival of his colleague, who had been expressly appointed on account of his legal knowledge; such delay appeared also most consonant to the general duties of the commissioners, the endeavouring to give effect to the injunctions of the Prince Regent, for the pacification of the Indian country, and to the thorough investigation of the past offences committed there, both which objects might have been materially impeded, by the adoption of any harsh measure of doubtful authority. Such were the views which induced me in the first instance to decline any interference in support of the warrant, and to use my influence with the under sheriff to defer any proceedings on his part, until I could be assisted by the legal knowledge of my colleague; this officer in consequence soon after left Red River for the avowed purpose of meeting the other commissioner, and returning with him or otherwise, according as might appear necessary; from various circumstances my colleague (Mr. Fletcher) was however prevented from proceeding beyond Fort William; nor did the under sheriff return to Red River, but his assistant, Mr. Campbell, came up in his stead. On his arrival, a renewed application was made to me for support in the execution of the warrant, on the grounds stated in the joint deposition (No. 397) of Henry M'Kenzie and Colin Campbell; but on an attempt subsequently made by Campbell to execute the warrant, the deputation under which he acted appeared so evidently irregular (never having been sanctioned by the sheriff of the district,) that there could be no doubt of the illegality of his proceeding, and in consequence he was necessarily held by me to bail, for the assault committed by him in attempting to arrest the Earl; although I had in the first instance so far authorized the proceeding, as to assure the parties, that if they could show legal authority, I would prevent the execution thereof being opposed by force; the period for which Campbell's recognizances were taken, having however expired previous to their reaching the clerk of the peace at Montreal, and the complaint not being renewed, it is probable no further proceedings are intended against him. The Earl of Selkirk shortly after this occurrence proceeded by way of the United States to Montreal, having given bail, which appeared to me sufficient to ensure his due appearance at that place, and which has accordingly since taken place.

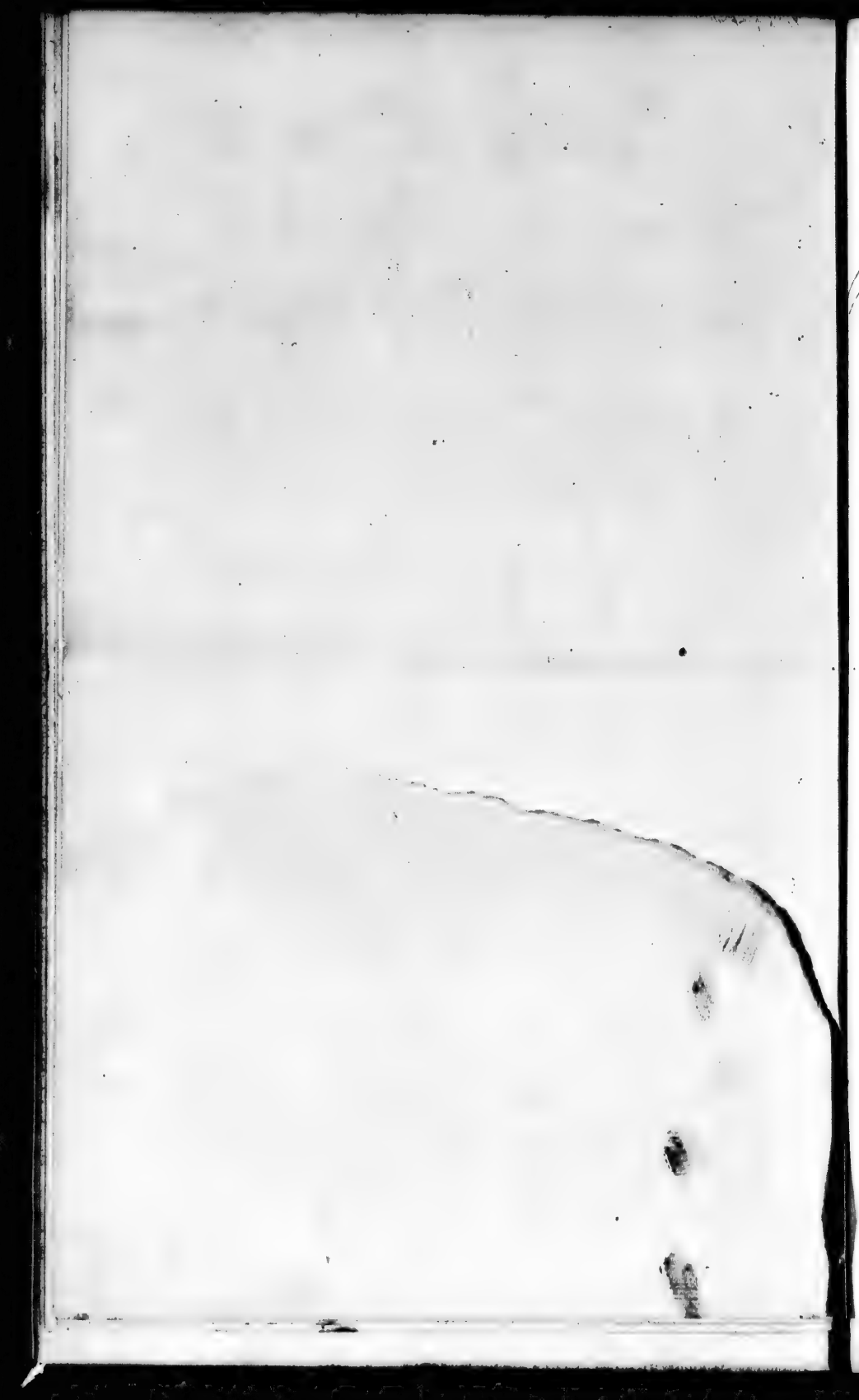
Inclosure in Sir J. C. Sherbrooke's, of 20th July 1818; viz. Mr. Coltman's Report, &c.

(3d May 1817.)

Subsequent to my arrival in the Indian country, there have been no complaints of acts of open violence on either side; but charges of having evaded some of the agreements mutually entered into between the parties, under my sanction, and in the view of giving fuller effect to the intent of the proclamation, have been brought forward on both sides:—Paul Bibo (Deposition, 394) states the conveying away surreptitiously, from Red River, of two half-breeds and one Canadian, by James Hughes, a partner of the North-West company, in violation of a written assurance, given officially to me as commissioner, by each party a day or two previous, that no person should be sent from the country without my sanction; an arrangement adopted to prevent the necessity of a constant search of the canoes, and to which Hughes had been personally a party: on the other hand, Joseph Vandal, and J. B. Henault, in their depositions (Nos. 257 and 395,) state the refusal or evasion by the Earl of Selkirk, of paying them for the time they had been in his Lordship's service, in consequence of their return to that of the North-West company, under their previous engagements; and Michel Chretien, in his deposition (No. 396) states, that his brother, Jean Baptiste Chretien, who was under similar circumstances, told him he was ready to return to the service of the North-west company, if they would guarantee the payment of his wages, whilst in the service of the Earl of Selkirk; statements which appear to show, on the part of the Earl, a course of conduct inconsistent with the arrangements between the parties, which were, on the 15th July 1817, reduced into the shape of instructions, mutually signed by the Earl and two of the governors, appointed under the Hudson's Bay company's charter, on one part; and by two of the principal agents of the North-West company, on the other; and circulated through the Indian country, for the avowed purpose of evincing the readiness of the parties to obey the proclamation, and to provide for the execution thereof in detail; one clause whereof provides expressly, that in the event of either party having in their service any persons under previous engagements to the other, they are to allow such servants to fulfil their engagements, and to pay them their wages for the time they may have served.

The complaints above mentioned, did not, however, appear either to call for, or admit of, any immediate proceedings; nor did they, indeed, seem to be brought forward by the parties for any other purpose than to establish a charge of want of good faith against each other; no steps were therefore taken thereon; and each party professing the utmost submission to the commands of the Prince Regent, and having proved this deposition by the instructions above mentioned, issued on the 15th July, and, by a generally unreserved compliance with the measures which, in my official situation, I felt it my duty to direct; nothing further remained, but for me to adopt such steps as appeared most proper to give effect to the general objects of the mission; this was accordingly done; and such of the occurrences as appeared of importance, have been detailed in my official letters to the Governor in Chief of British America.

Quebec, 30th June 1818. (Signed) *W. B. Coltman.*



No. 38.

Copy of a Dispatch from his Grace the Duke of Richmond, K. G. to the Earl Bathurst, K. G.; dated Quebec, 13th October 1818:—Two Inclosures.

My Lord, Quebec, 13th October 1818.

I HAVE the honour to transmit to your Lordship the inclosed letter and remarks from Mr. M'Gillivray, on behalf of the North-West company, which that gentleman has requested may be forwarded to your Lordship, as a continuation of the correspondence accompanying Sir John Coape Sherbrooke's dispatch, No. 221, of 4th July 1818. I have the honour to be, &c.

To the Right Honourable the Earl Bathurst, K. G. &c. &c. &c. (Signed) *Richmond.*

Inclosure (1) in the Duke of Richmond's, of 13th October 1818.

Sir, Montreal, 3d October 1818.

On my return to this province from the remote part of Upper Canada, where I have had occasion to pass the greater part of the Summer, I have received a letter which his Excellency Sir John Coape Sherbrooke did me the honour to address to me on the 23d of June last, in reply to a letter of mine, dated on the 6th of the same month, and both which letters you will doubtless find on record in your office, as well as a letter from the Attorney General of this province to Andrew W^m Cochran, Esq. dated on the 19th of the same month of June, whereof a copy was transmitted to me, as a "*Report*," upon the circumstances set forth in my letter to Sir John Sherbrooke.

In addressing you especially upon the subject, I have no wish to obtrude upon his Grace the Duke of Richmond any discussion relative thereto; but since it appears to me that some facts are unfairly stated, and others entirely misrepresented in the Attorney General's *Report*, which now stands on record, as an answer to the grievances complained of by me on behalf of the North-West company; and since such misrepresentations, if suffered to remain unanswered, might produce impressions unjust in themselves, and seriously injurious to the cause of the North-West company, I trust the necessity of the case will plead my apology for thus intruding upon your attention; because, in consequence of the official functions both of Sir John Sherbrooke and Mr. Cochran having terminated during my absence from the province, and before I could possibly receive or reply to the *Report* in question, I have now no other means of making such reply, than by requesting that this letter, and the remarks which I beg leave herewith to inclose you, may be recorded in your office, as a continuation of the correspondence which has heretofore taken place upon the subject.

And as Sir John Coape Sherbrooke has expressed his intention "to lay the "representations on both sides before the King's Government," and has doubtless done so accordingly, I beg permission, through you, most respectfully to submit to his Grace the Duke of Richmond my request, that a copy of this letter and of the inclosed remarks, may in the same manner be laid before His Majesty's Government.

I have the honour to be, &c.

Col. Ready, &c. &c. &c. (Signed) *W^m M'Gillivray.*

Inclosure (2.)

Remarks on a Letter from Mr. Attorney-General (Uniacke) to A. W. Cochran, Esq. dated 19th June 1818, and purporting to be an Answer to a List of Grievances complained of by me on behalf of the North-West company.

In reply to the first and second heads of grievances; namely, "the delay that has "taken place in proceeding against the partners and servants of the North-West "company arrested at Fort William, and against the persons stated to have been "present at the affray of the 19th June 1816;" the Attorney General begins by saying, that "*in March* 1817 *prosecutions were instituted against the partners and "servants of the North-West company*;" thus giving it to be understood that those proceedings were against the individuals, the delay of whose prosecution formed the subject of complaint; whereas in fact, the proceedings in March 1817 were against George Campbell, Cuthbert Grant, William Shaw and Duncan Cameron, for arson, at Red River, in 1815; and against George Campbell, John Cooper, Donald M'Kinnon, Hugh Bannerman, Hector M'Donald, Duncan Cameron, Seraphim Lamar, John Dougald Cameron, Cuthbert Grant, William Shaw and Peter Pangman for *robbery*, at the same place in the same year.

Now, five of these persons were servants of the Earl of Selkirk, or of the Hudson's Bay company, *two* were partners, and *three* were servants of the North-West company; but *not one* of these persons was amongst those arrested at Fort William; and Cuthbert Grant is the only one of them stated to have been present at the affray of the 19th of June 1816, consequently these proceedings do not apply to the cases of the persons on whose behalf I complained of delay, and the *candour* of the attempt so to apply them must be manifest, when I state that the persons referred to in the first complaint; namely, the partners and others arrested at Fort William, remain *still* without any proceedings having been instituted against them, except only the warrants under which they were apprehended, and until the month of February last, no attempt was made to commence proceedings against the persons referred to in the *second* head of complaint; namely, those stated to have been implicated in the affair of the 19th of June 1816, although two of those persons, François Firmin Boucher and Paul Brown, have remained in prison for upwards of two years.

The Attorney General proceeds to state, that "immediately *after* the finding the "bills of indictment petitions were presented, praying, on the part of the prisoners, "that their trials might be ordered to take place in Upper Canada." Whereas, it was *in fact before* the indictments were prepared, that petitions to that effect were drawn up and communicated to the learned gentleman himself; and it was in face of these petitions that he persisted in indicting here the parties already named.

Mr. Attorney-General's memory *may* be in fault, when he says that it was only "in November last that the approval of His Majesty's Government was obtained "from England;" but the fact is, that the measure was announced to our counsel as determined upon as early as July, and the Attorney General himself acknowledged in August to one of our counsel, that he had mislaid the papers in his office, so that it was not till the 24th of October 1817 that the commission under the seal of the province was actually issued.

The third cause of delay stated by the Attorney General, namely; "the prosecu- "tions in the Lower Province requiring the attendance of the private prosecutor and "the witnesses," is surely inapplicable to the case of the individuals arrested at Fort William in August 1816, and against whom further proceedings have not yet been instituted. During upwards of a year subsequent to the arrest of these individuals, the private prosecutor was occupied, *not* in attending "*the prosecutions in* "*the Lower Province*," but in acts of criminal violence and fraudulent depredation, which were checked only by His Royal Highness the Prince Regent's proclamation, and the measure prescribed by His Majesty's Government for enforcing the same. Then, instead of returning to this province with the special commissioner, to meet the accusations against himself, and to establish his charges against others, the prosecutor, the Earl of Selkirk, went on a tedious and circuitous voyage, for his own private purposes, and did not get to Montreal till February last, during the whole of which time no grounds were produced in support of his charges, though such grounds and evidence in support of them ought to have been transmitted to the Crown officers at the time the prisoners were sent hither from Fort William. His Lordship's subsequent occupations in the criminal courts of Lower Canada, whether as a public informer or private prosecutor, afford no valid answer to persons complaining of a grievance in the delay of justice, and the continuance against them from term to term, of charges unsupported by any evidence whatever; and upon mature consideration of the *three* causes of delay assigned by the Attorney General, and here investigated, I think it will appear, that the first is an implied misrepresentation of *facts*; the second a feeble publication of negligence, and the third an attempt to add insult to oppression.

In reply to the *third* cause of complaint, *the issuing of bench warrants* since the adjournment of the Court of Oyer and Terminer at Montreal, the Attorney General states, that "several bills of indictment being found against the partners and servants "of the North-West company, *whose cases had not been sent to Upper Canada for trial*, "as these persons had never been in custody, bench warrants were necessarily issued "to apprehend them." The construction of this sentence is rather obscure, but it seems to mean that bench warrants had only been issued against those persons "whose "cases had not been sent to Upper Canada for trial," and "who had never been in "custody;" and if so, the statement is false, because such bench warrants have been issued against persons whose cases had been transferred to Upper Canada, and who were already under recognizance to appear there.

The

The Attorney General's answer to the *fourth* cause of complaint is either intentionally obscure, or manifestly absurd, as well as substantially untrue. The complaint is, that "prosecutions in two different provinces have been instituted against "the partners and servants of the North-West company for the same alleged "offences;" and Mr. Attorney-General's answer is, that "no such prosecutions have "been instituted by him." Now it could not have been meant to complain, that prosecutions in *two* different provinces had been instituted by him *personally*, for, being Attorney-General only in *one province*, he could not have instituted prosecutions in *the other*; but the fact that such prosecutions had been instituted, is the complaint stated, and if Mr. Uniacke means to deny that they were instituted by *him* in Lower Canada against various persons for the same alleged offences, for which to his *knowledge* they were necessarily and exclusively to be proceeded against in Upper Canada, he means to deny that which can be proved to be the fact. Did not the Attorney-General *know* that the Commissioners under the Great Seal, ordering the trials to be held in Upper Canada of the following persons, viz. Louis Perrault, Paul Brown, John Siveright, Cuthbert Grant, William Shaw, Peter Pangman and Seraphim Lamar, specifying that those persons shall be tried in the courts of that province, for all *crimes and offences whatever* committed by them in the Indian territories; and has he not, in the face of that order, brought indictments in Lower Canada against all the above persons for offences alleged to have been committed in the Indian territories? Did he not also know, that the commissions of the same nature which were issued in the cases of Allan M'Donnell, John M'Laughlin, Alexander Mackenzie, Simon Fraser, John M'Donald, and Hugh M'Gillis, specify amongst other things, that those persons shall be tried in Upper Canada, as accessaries to the murder of Robert Semple and others; and has he not in the face thereof brought indictments against them all in Lower Canada for the same alleged offence? Mr. Attorney General must not only have known the purport of these commissions, but they must have been framed and issued by his advice, and therefore his declaration to the contrary, notwithstanding the learned gentleman stands convicted of having first transferred or advised the transfer of the trial of certain persons for certain alleged offences, to *Upper Canada*, and next of having instituted prosecutions in *Lower Canada* against the *same persons* for the *same alleged offences*.

In his reply to the *fifth* and last head of grievance represented, namely, the entering a *noli prosequi* on certain indictments found against certain servants of the Earl of Selkirk, the Attorney General has entered into some explanations which it will be well to compare with the actual state of the facts, so as to see in a clear point of view the extraordinary course which in this instance the learned gentleman has been pleased to pursue.

The petition presented in January last, by Miles M'Donnell, John Spencer, James Ryan (Flyn,) John Bourke, Michael Hayden and Patrick Corcoran, stated, it seems, that they had attended at Montreal to meet accusations preferred against them by the North-West company, and upon that ground prayed to be tried by a special court of oyer and terminer. It is probable they did *not* state that most of them had been repeatedly bound by recognizances to appear before the regular criminal courts of Montreal, and had as repeatedly forfeited their recognizances, though I do not know that any of them were ever estreated; but this fact, the Attorney General might have stated for them, and he might also have stated, that petitions to be brought to trial, and to have an opportunity of showing their innocence, had previously and repeatedly been presented by gentlemen of the North-West company, who had never forfeited their recognizances, but who had appeared term after term, and against whom prosecutions, unsupported by evidence, had been kept alive, till it should suit the convenience or caprice of the private prosecutor to institute further proceedings.

The circumstances relative to the indictments found against these petitioners, the pleas to the jurisdiction of the courts of this province filed by some of them, and the difficulty of bringing others to trial before the Court of Oyer and Terminer, for bills found in the Court of King's Bench, are fully and explicitly stated in the letter which I addressed to the Attorney and Solicitor General on the 11th of May last, and which I again request may be referred to. That letter has not been answered, nor has any attempt been made to refute the statements therein contained. It is therefore needless to repeat them, nor would it now be of any use, because the injury which they were intended to prevent has already been done; and my present object is rather to inquire into the validity of the reasons assigned for his conduct by the

Attorney General, than to repeat representations of grievances, or unavailing applications for redress.

The Attorney General says, "notice was given by me to the North-West company, "that such commission would open at Montreal for the purpose of trying those "persons, and that all offences alleged to have been committed by them must be "prosecuted before it." The notice here referred to was verbatim as follows:—

Sir, Quebec, 9th February 1818.

"M. M^c^Donnell, J. Spencer, C. Robertson, Ja^s^ Ryan, Ja^s^ Bourke, M. Hayden "and P. Corcoran, accused of offences committed in the Indian territories, will be "prosecuted at the commission of Oyer and Terminer, to open at Montreal on the "21st instant; I have therefore to request that you will furnish me such instructions "as you may think necessary to support these cases.

"I have the honour to be, &c.

The Hon^ble^ (Signed) "*W. F. Uniacke*, Attorney-General."
W^m^ M^c^Gillivray.

And ... the benefit even of the present explanation, it does not appear to me to bear ... construction which the Attorney General now wishes to put upon it; nor can I admit, that to say that certain persons "accused of offences committed in the "Indian territories will be prosecuted at the court of Oyer and Terminer" means, "*that all offences alleged to have been committed by such persons must be prosecuted* "before such court." Some of these petitioners were charged with offences in which the North-West company were not prosecutors, and the bills of indictment which, as the Attorney General states, "were preferred, *not* by the North-West company, but "by settlers and others, who complained of having been maltreated at Red River."

The only bill preferred by the North-West company was against Colin Robertson and others, and was found; and it was only in consequence of the sickness of a material witness (Seraphim Lamar) since dead, and the intervention of the court of King's Bench; but with the *concurrence of the Attorney General*, that another bill which had been prepared was withdrawn, and subsequently, with others, preferred before and found by the grand jury of the court of King's Bench.

It seems that indictments found in the court of King's Bench cannot be transferred to nor tried in a court of Oyer and Terminer, and this must have been known to the Attorney General when he concurred in bringing these bills before the grand jury of the court of King's Bench on the occasion in question. If the fact was so, and if he had previously determined to quash all proceedings against these individuals, except such as should be followed up before the court of Oyer and Terminer, then his concurrence in bringing before the grand jury of the Court of King's Bench indictments which could not be *so followed up*, must be inferred to have been a deception calculated to defeat the ends of justice, and very unworthy of an Attorney General.

It seems more probable, however, that the learned gentleman had formed no such previous determination; for the consistency which a previous determination of any kind would probably produce, does not appear in this case to have characterized his conduct. He says, that "the North-West company wished to continue the prose- "cutions commenced two years back against Spencer and Robertson, which would "have left these persons liable to attendance at Montreal, to answer accusations "which the special commission was appointed to try;" and that conceiving it would be unjust to require such further attendance, he had considered it his duty to enter a *Noli Prosequi*, &c.; while the fact is, that these proceedings, commenced two years back, are still in existence, as no *Noli Prosequi* has been entered upon *them*, and the indictments which have been quashed are those found in the Court of King's Bench in March 1818; so that the proceeding appears entirely incomprehensible, even according to the explanation of the learned gentleman himself.

It is also to be observed, that the explanation, such as it is, applies only to the cases of Miles M^c^Donnell, John Spencer, Colin Robertson, James Ryan (Flyn,) John Bourke, Michael Haden and Patrick Corcoran (the petitioners named in the notice of the 9th February,) but the *Noli Prosequi* is extended to other persons indicted, and respecting whom no notice of prosecution had been given; namely, Michael M^c^Donnell, Martin Jordan, Michael Kilbride and Hugh Maclean; of whom only one (Martin Jordan) was in custody, or had appeared before the Court; and the Attorney General's reasons for entering a *Noli Prosequi* in their case remain still to be explained.

Mr. Attorney

Mr. Attorney General, in speaking of the partners of the North-West company, says, "they must be sensible that justice has been done them;" and he expresses a hope, that "in future they will not avail themselves of the ingenuity of their legal "advisers to criminate His Majesty's Government and its officers."

To this I shall only reply, that the partners of the North-West company are sensible that justice has not been done them, and that Mr. Attorney General need not cherish the hope, that either the great power of his office, or his attempt to identify himself with His Majesty's Government, will deter them from complaining of injustice by whomsoever inflicted, or repelling misrepresentation by whomsoever advanced.

Montreal, 3d October 1818. (Signed) *William M'Gillivray.*

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No. 39.

Copy of a Dispatch from Major General Sir Peregrine Maitland, K. C. B. to the Earl Bathurst, K. G.; dated York, Upper Canada, 6th January 1819:—Ten Inclosures.

21st Oct. 1818. No. 1 to 6. 5th Nov. 1818. No. 7. 5th Dec. 1818. Nos. 8 & 9.

My Lord, Upper Canada, York, 6th January 1819.

I HAVE the honour to transmit to your Lordship the copy of a letter which I have received from the Earl of Selkirk, and a copy of my answer.

As his Lordship seems much disposed to make exception to the manner in which the laws are administered in this province, and particularly to the conduct of the law officers of the Crown; I transmit also the copy of a letter from the Attorney General to myself, and accompanying papers, on the subject of the late trials between the Earl of Selkirk and the North-West company; because I am desirous of putting your Lordship in possession of all the circumstances *which* throw light on the subject in question, and of affording to the Crown officers an opportunity of replying to his Lordship's insinuations against them.

I have the honour to be, &c.

To the Earl Bathurst, &c. &c. &c. (Signed) *P. Maitland*, L^t^ Gov^r^.

Inclosure (1) in Sir P. Maitland's, of 6th January 1819.

Sir, Montreal, October 21st, 1818.

I have the honour to lay before your Excellency copies of an affidavit, by Mr. Gale, relative to the conduct of John Fletcher, Esq. late commissioner of special inquiry, together with a letter from the Attorney General of Upper Canada; from which your Excellency will perceive that the Attorney-General, though admitting that there appears to be good grounds of accusation, yet declines to prosecute Mr. Fletcher, without instructions from your Excellency. In my apprehension, the honour of His Majesty's Government requires that no time should be lost in proving to the public that the illegal and oppressive conduct of Mr. Fletcher was wholly unauthorized; the motive assigned by the Attorney General for the delay of the prosecution is calculated to create a different and most injurious impression; and I may be allowed to add, that an action for damages, as suggested by the Attorney General, could be of no avail; and that it is only through a criminal prosecution that Mr. Fletcher can be made responsible for his conduct; and it is notorious, that his property is quite inadequate to compensate the damages which he has occasioned.

I take the liberty of laying at the same time before your Excellency copies of letters which have passed between the Attorney General and Mr. Allan, with the affidavit of the latter, relative to the perjury committed by Jasper Vandersluys and James C. M^c^Tavish, whom the Attorney General also declines to prosecute. This determination has been taken in contradiction to the intentions which the Attorney General himself had stated verbally a few days before, when he assured Mr. Allan that he would present an indictment against M^c^Tavish and Vandersluys; but that as he had received instructions to prosecute me and others for felony, upon their information, that indictment must be disposed of before he could bring forward the charge of perjury. I must acknowledge, that I am at a loss to understand how it can be reconciled with equity and fair dealing, that a man against whom a charge of perjury has been pointedly advanced upon respectable evidence, should be brought forward as a witness before the grand jury (as M^c^Tavish was by the Attorney General) without any intimation to them, of a circumstance so materially affecting the credit due to his testimony.

 I regret

I regret to be under the necessity of adverting to other very extraordinary proceedings of the Court lately held at Sandwich. Your Excellency, I doubt not, has already been informed, that the assizes for the western district were abruptly terminated, by the Chief Justice adjourning the Court *sine die*, before the business had been concluded, while the grand jury were engaged in deliberation on a bill of indictment which had been laid before them, and when it was publicly known that other matters of importance remained to be disposed of. In passing through York lately I understood that this matter had been misrepresented, and stated as if the grand jury had dispersed of themselves, or had refused to act; but your Excellency will find upon investigation, that a quorum were actually sitting, and that the Chief Justice broke up the Court without even calling them in from the adjoining room. This precipitancy is the more extraordinary, as the assizes at Sandwich were fixed, contrary to the usual custom, to be held the last of the western circuit, expressly because the business which was expected to come before the Court was likely to occupy a considerable and an indefinite length of time; and it was therefore thought necessary to hold the Court at a period when no other engagement could interfere.

The abrupt termination of the Court has had a most injurious and oppressive effect towards myself, by leaving in an ambiguous state the investigations which it was their province to have brought to a conclusion. My conduct has been misrepresented, and my character traduced in the most infamous manner; and by this mode of proceeding, I have been deprived of the opportunity of exposing the calumnies against me. Every effort and every sacrifice have been made on my part to avoid delay in any investigation which might be instituted. When at Red River, I was required by Mr. Coltman to enter into recognizances of extravagant amount, to appear before the Court of King's Bench at Montreal in March last. I agreed to this, though I was advised that I was under no legal obligation to comply. On my return from the interior, I came voluntarily to the province of Upper Canada, before I had even seen my family, travelling nearly a thousand miles, in order to present myself before whom I had been accused. These magistrates, after full deliberation, were satisfied of the absolute falsity of the principal charge against me; and as to the others, upon which they required recognizances for my future appearance, they were of such a nature that my appearance by attorney would have been sufficient. In pursuance of the recognizances exacted in the Indian countries, I appeared at Montreal. No proceedings were instituted against me; but I was required to enter into new recognizances, likewise of excessive amount, to appear in Upper Canada at a distant period. These also were illegally required, yet again I acquiesced, and have again attended at great inconvenience both to myself and my witnesses. At the Court at Sandwich only one of the charges to which I had been bound to answer was brought forward; this indictment has been thrown out by the grand jury, and the others appear to have been dropped; but new charges which had been studiously concealed were brought forward, as if to take me by surprize. Notwithstanding this disadvantage, I felt confident as to the final result; but in consequence of the abrupt termination of the Court, no decision has taken place, and I am left to conjecture whether the proceedings against me are at an end or not. Thus, after being required to attend, with excessive inconvenience to other affairs, and to bring witnesses from a distance at great expense, at the moment when the points in question should have been brought to issue, the proceedings are broken off without any plea of necessity, leaving an opportunity for renewing the same persecution without end.

Business of the greatest importance requires my attention in other quarters. Through the vexatious and groundless proceedings that have been instituted, in consequence of the too easy credit that has been given to the perjured calumnies against me, I have been interrupted in my endeavours to secure the safety and tranquillity of His Majesty's subjects in the interior of this continent; people who are objects of persecution to a powerful association, and have no other protection to look to except that which I may find the means of obtaining for them. The conduct of some officers of Government, and particularly the law officers of the Crown in Lower Canada, has rendered it but too probable that new attempts may be made against the settlers on Red River. The task of watching over their safety is therefore become a matter of urgency; and if I were to allow myself to be detained by the ambiguous state of these legal proceedings in Upper Canada, it might afford new opportunities to the murderer and the incendiary. I have already done all that could be reasonably required of me to meet my accusers; and though the conduct of the Chief Justice at Sandwich has not allowed me the satisfaction of an explicit decision

decision of a jury, yet I trust that every unprejudiced person will hold me sufficiently acquitted, when it is known that they have had the most ample opportunities of bringing their allegations to the test of proof, and that they have not been able to substantiate a single charge to the satisfaction of a grand jury.

Under all the circumstances of the case, I cannot think there is any obligation on me to remain longer in these provinces, when objects of paramount importance call me elsewhere. I regret that I cannot attend the trials which are expected to take place at York; but I believe that no material inconvenience can arise from my absence, as I leave persons who are capable of giving testimony to all the points with which I am personally acquainted, and who can point out to the Attorney General any evidence of which he may be still uninformed. I have already put into his hands the necessary materials for the prosecution of all the individuals who were arrested under my warrant, and whose trials have been referred to Upper Canada; and I venture to say, that such a mass of evidence was never before put into the hands of a law officer of the Crown by any one prosecutor. The result of the trials cannot be doubtful if that evidence be brought forward in a suitable manner; but that is a point over which I have no control, as the law officers of the Crown in Upper Canada, as well as in this province, assume to themselves the entire management of all criminal prosecutions, without admitting the participation of the counsel for the private prosecutors.

I have, &c.

His Excellency Sir P. Maitland, K. C. B. &c. &c. &c.

(Signed) *Selkirk.*

Inclosure (2) in Sir P. Maitland's, of 6th January 1819.

Province of Upper Canada, Western District. } S. S.

Samuel Gale the younger, of the city of Montreal, in the province of Lower Canada, barrister at law, being duly sworn, deposeth and saith, that on the 6th day of June 1817, John Fletcher, Esq. of the city of Quebec, in the said province of Lower Canada, barrister at law, and one of His Majesty's Justices of the Peace, did at the Sault Sainte Marie, near the entrance of the Lake Superior, in the said western district of the said province of Upper Canada, illegally and unjustly at the head of a force of men armed with muskets, bayonets and swords, and being officers and soldiers in His Majesty's service, seize take and carry away eight chests or cases, containing merchandize and trading fusils, then being under the charge, care and custody of one Archibald M'Donald, of the Red River Settlement, in His Majesty's colony of Rupert's Land, gentleman.

That the said Archibald M'Donald was then acting for and on behalf of the Earl of Selkirk, and of the Company of Adventurers of England, trading into Hudson's Bay, commonly called the Hudson's Bay Company. And that he, the said Archibald, did then expressly prohibit and forbid the said John Fletcher from taking and carrying away the said eight cases. That this deponent, who was present then, inquired of the said John Fletcher, by what authority, on what pretext, or for what legal reason, he was thus forcibly seizing the property of others. That the said John Fletcher's answers to these inquiries were, that he had no reason to give for his conduct, and that he had nothing to say as to the law; that he did not act as a magistrate, but *en militare*. And some time after which, he added "Silent leges enter arma." That the said Archibald M'Donald, and the men with him, to the number of about 100, were without arms, and were quiet and peaceable in their demeanor.

That the said John Fletcher did at the same time direct, that the said Archibald's men should proceed only in his the said John Fletcher's company, and forbade their proceeding without him.

And this deponent further saith, that afterwards, to wit, on the 8th day of June 1817, at the said Sault Sainte Marie, the said Archibald M'Donald, and this deponent, did go to the encampment of the said John Fletcher, Esq. where this deponent did deliver to the said John Fletcher a written demand, signed by this deponent, as the legal agent of the said Earl of Selkirk, and of the Hudson's Bay company, requiring, among other things, that the said John Fletcher should deliver and restore into the hands of the said Archibald M'Donald, the eight chests or cases aforesaid, by him the said John Fletcher, forcibly violently and illegally seized, taken and carried away; which demand the said John Fletcher refused to comply with. That the said Archibald M'Donald did on the same day last mentioned, give to the said John Fletcher, a protest against the said John Fletcher, for his violent and criminal proceedings, which said protest contained also a notification to the said John Fletcher,

that he the said Archibald would proceed as speedily as possible with the unarmed and defenceless men under his direction, to the place of their destination. That accordingly on the day following, as nearly as this deponent can recollect, the said Archibald M'Donald did in effect endeavour to proceed on his journey with his men and their baggage which consisted only of their clothing, and a small quantity of cloth goods. That while the said Archibald and his men were proceeding quietly along, they were perceived by the said John Fletcher, who immediately ordered his men to take their arms and load them with ball cartridges. That the said John Fletcher then ordered his men to stop the said Archibald's party, which was done in consequence, some of the said party being compelled by main force to throw down the goods they were conveying. That the said John Fletcher ordered some of his men, two privates and a corporal, as nearly as this deponent can recollect, to take the said Archibald M'Donald prisoner, which was accordingly executed; and the said Archibald was conveyed a prisoner to a tent, where a sentinel was placed over him. That the said Archibald was in this manner kept in rigorous confinement from the afternoon until near midnight, during which period the said John Fletcher told this deponent, that the said Archibald should be put in irons, and sent away a prisoner in irons. That the said John Fletcher, in the exercise of his tyrannical power, neither acted as a magistrate, nor alleged any offence to have been committed by the said Archibald, but on the contrary gave this deponent to understand, that he was guided by his own will only, and considered himself above the law.

And this deponent further saith, that the said Archibald M'Donald had been guilty of no crime or offence, but had acted in a perfectly lawful and quiet manner.

(Signed) *Samuel Gale*, jun.

Inclosure (3) in Sir P. Maitland's, of 6th January 1819.

Dear Sir, Sandwich, 9th September 1818.

I have read with attention the depositions made by yourself, and the papers accompanying it, which you put into my hands yesterday. Your information certainly conveys, while unexplained, such a charge against Mr. Fletcher as under ordinary circumstances would call loudly for a criminal prosecution, besides the civil remedy given by law to the party. But I feel myself bound to consider the peculiar nature of the duties and powers entrusted to Mr. Fletcher and his coadjutor, to enable them to restore tranquillity to a country in which such violent outrages had been committed, and in which, from its remoteness and extent, and other obvious causes, it appeared the restraints of law could not be enforced in all instances in the ordinary manner, or Mr. Fletcher's appointment would not have taken place; no necessity appears upon the face of your information, for the strong measures Mr. Fletcher is stated to have resorted to. But the high confidence placed in him by his Government, leads me to presume that his conduct is capable of explanation, and that this may be one of those instances in which he exercised that discretion on which his Government relied for preventing the recurrence of disorders, that had led to the extraordinary appointment of himself and Mr. commissioner Coltman.

The acts complained of constitute a civil injury, for which the party aggrieved may appeal to his country for such remuneration in damages, as under the circumstances a jury may think him entitled to claim; but from a consideration of the peculiar nature of Mr. Fletcher's appointment, and how much was necessarily confided to his discretion in the delicate situation in which he was placed, I decline preferring any criminal charge against him for the trespass you complain of, without the express direction of the Government.

I am, &c.

To S. Gale, jun. Esq. (Signed) *Jn° B. Robinson.*

Inclosure (4.)

Sir, Sandwich, 12th September 1818.

I beg to explain to you in writing, as prosecutor in the charge you required me, as Crown officer, to prefer against Mr. Vandersluys and Mr. James C. M'Tavish, for perjury, upon the information you placed in my hands, the considerations which determine me not to submit such a charge to the grand jury.

The charge made by Messrs. Vandersluys and M'Tavish, which you complain of as a wilful and corrupt perjury is, that the Earl of Selkirk and several others, the leading actors in the forcible possession and detention of the establishment, merchandize and papers of the North-West company at Fort William in 1816, did, on the 14th of August in that year, feloniously steal, take and carry away, 83 fusils the property of the North-West company. This charge, improbable as it seems,

I am

I am urged as Crown officer to prefer; and evidence is put into my hands to support it. I am thus inevitably led to see both sides of the case; and it appears to me, by the depositions placed before me, of several witnesses corroborating that testimony which you assign as perjury, that while the houses and private property of the persons composing the North-West company were illegally and unwarrantably detained from their proprietors, by an armed soldiery under the command and control of the Earl of Selkirk and the others mentioned in the charge you placed before me, the 83 guns in question were taken under the immediate direction of captain D'Orsonnens and captain Matthey, by a party of soldiers.

If the warrant you have shown to me, under which you state them to have been seized, were legally issued, and on legal evidence; and if it were known to the parties who complain of the seizure as a larceny, still, on the face of it, it only authorizes a search or seizure *within* the fort; whereas this seizure it seems was made out of it, and at any rate no warrant could justify the subsequent use and appropriation of them by the Earl of Selkirk and his adherents, and the consequent loss of them to their lawful proprietors. On this evidence, the agents of the North-West company submit to me the propriety of preferring a bill for larceny of these guns against those who actually took them, and charging those who subsequently received them as accessaries after the fact. On consideration I decline doing so; because, though I think the act complained of highly illegal and unwarrantable, and an open violation of private right, yet I think it not felony, and therefore do not think it proper to prosecute it as such. But, on the other hand, I think there would be as little propriety in preferring an indictment for perjury against those who have complained of the taking as felonies. They knew the property to belong to their employers; they may have supposed that every forcible and illegal taking of the goods of another constituted a larceny, and that even if the taking was under some pretence of legal authority, the subsequent use and appropriation could not possibly be so. It is not surprising, either that they should conceive that those who directed were equally concerned with those who acted, and that those who maintained an armed soldiery in forcible possession of the private property of their fellow subjects, were criminally answerable for all their violences against that property.

If in these conclusions they have been mistaken, and have not judged as the law judges, but charged the act in language which in legal strictness it will not bear, they have but fallen into an error of which too many instances appear in the conduct of both parties, in the charges they have advanced against each other.

I feel that I should be acting unjustly in singling out these gentlemen as the objects of a prosecution for an infamous crime, for a mistake of the laws, which, in my opinion, is general throughout this unfortunate contest; and with such a consciousness I will not be instrumental, by straining criminal charges beyond what the law will bear, or justice requires, in heightening that feeling of recrimination which already prevails too much.

I am, &c.

John Allan, Esq. Surgeon, R. N. (Signed) *Jn° B. Robinson*, A. G.

Inclosure (5) in Sir P. Maitland's, of 6th January 1819.

Sir, Sandwich, 16th Sept. 1818.

I had written a letter in answer to yours of the 12th instant, before the adjournment of the Court, and notwithstanding that unlooked-for event, I would have delivered it before you had left Sandwich, if the affidavits of Messrs. M° Donnell and Pritchard, which I now transmit, had then been completed. In these, and the other accompanying affidavits, you will find information worthy your consideration. With respect to your observations in extenuation of the guilt of Messrs. Vandersluys and M°Tavish, I cannot pretend to say that you may not be acquainted with all they have to say in their defence; but when you proceed to speak of Lord Selkirk and his people at Fort William, as if you were in possession of the evidence on both sides of the question, you will permit me to observe, that you deceive yourself, and may be led to do injustice to others.

Messrs. Vandersluys and M°Tavish, against whom you decline preferring an indictment for perjury, because in your opinion they only made "a mistake of the law," did not in the affidavit upon which the warrant for felony was issued against Lord Selkirk, Captains Matthey and D'Orsonnens, Messrs. M°Nabb, M°Pherson, Fouche, Allan, M°Donnell, Spencer and De Graffenreid, specify the facts of the case, and the mode in which the eighty-three fusils were taken, so as to enable the magistrates to form their own judgment of the degree of guilt, and put their own

construction upon the nature of the transaction, but they chose, instead of stating the circumstances or the facts, to assume the province of magistrates and of jurors, in swearing to *the legal character of the Act*. That this could not arise from mistake, but was done wilfully and maliciously, is apparent from Mr. Vandersluys having made an affidavit before Chief Justice Powell, and a second time before Messrs. Baby, inconsistent with that whereon the warrant was issued; and is also apparent from the fact, that Mr. Spencer was not at Fort William when the fusils were taken (as Mr. Pritchard's affidavit herewith sent you will establish,) but only passed from the other side of the river to that whereon Fort William is situated (to avoid the danger apprehended from the suspicious situation in which the fusils were discovered,) and from the fact, that Mr. M'Donnell never even saw the fusils that were seized, which is established by his own affidavit.

It was probably by an equal mistake of the law, though of another kind, that the houses of the colonists, with the schooner at Red River, were burned; that Governor Semple and twenty others were put to death; and that nearly two hundred men, women and children, were driven to encounter the horrors of famine in a desert. But while the legal mistakes imputed to Lord Selkirk, in his endeavours to bring murderers to punishment, and to secure protection and support to widows and orphans, are brought forward as causes of severe visitation upon him and his friends, it seems hard that where in reality no mistake can have been committed, fears of straining criminal charges too far should protect the guilty. Lord Selkirk caused Fort William to be entered of necessity in the execution of his duty as a magistrate; he afterwards took up his abode in it to avoid the preparations which were made to attack him in the open plain. (I refer to the affidavits of Blondeau and Fraser, herewith sent.) He could not go on to Red River that Summer, for his own houses there had been burnt, the colonists were driven off, the season was advanced, and a body of the North-West servants were at that time traitorously in arms, with the artillery provided by Government for the defence of the settlement posted on the river Winnipic, in order to prevent the entrance of any but the North-West people into the country. He remained at Fort William instead of returning to Lower Canada till the Spring, in order to be nearer at hand to render the earliest assistance to the widows and orphans who had been expelled. He went forward with the first navigation in the Spring to Red River, and by these exertions and by this conduct, he provided for the support of the surviving settlers, widows and orphans, who returned to the colony, and procured for the remains of the dead the charity of a grave, which had been denied them by the North-West company.

As soon as he could quit those higher obligations to attend to those of minor, of less immediate, and mere personal concern, Lord Selkirk came (without even visiting his family at Montreal) to the province of Upper Canada, to meet the calumnious accusations which had been brought against him. If in the measures taken to enable him to accomplish the performance of these sacred duties; if suffering under the weight of immense and irreparable losses; if under the pressure of every misfortune and difficulty that could harass, distress and wound the feelings, Lord Selkirk should have fallen into some legal mistakes, would it be surprising, or could they merit animadversion? What would be the mind that would deny him its sympathy?

Like an English sailor, I am accustomed to speak with frankness; but if my feelings be expressed with too much warmth, I beg you to believe it is not my intention to offend.

For my own part, I regret that the charge of felony against myself and the others was not presented to the grand jury, in order that its refutation might have been complete; while on the other hand, my earnest wish that the charge for perjury should be preferred against Messrs. Vandersluys and M'Tavish, in order that the means used to bring obloquy upon the Earl of Selkirk and others may be fully known and exposed.

At the close of your letter, you speak of a feeling of recrimination which prevails too much. This is a phrase whose meaning I am unable to understand, although I have laboured to discover it. How can recrimination exist, when every felony, arson and murder, have been committed on one side? On one side nearly fifty of our fellow citizens have been deprived of life by human means, within the compass of two years. On the other side, not one British subject has fallen. "The mothers may "lie down in the dust, and the womb may forget the slain, but the memory of these "deeds

"deeds shall not pass away," even if the Government should order all prosecutions against the murderers to be dropt, and insist only on the persecution of those who have laboured to prevent the continuance of their crimes.

I remain, &c.

To Jn° B. Robinson, Esq. (Signed) *John Allan.*
Attorney-General, &c. &c. &c.

Enclosure (6) in Sir P. Maitland's, of 6th January 1819.

Western District, } Personally appeared before me, Jean B^te^ Baby, Esquire, one
Sandwich, to wit. } of His Majesty's Justices of the Peace for the said district, John Allan, now of Sandwich aforesaid, who, being duly sworn, deposeth and saith, That he is surgeon in the royal navy; that, on the 13th of August 1816, near Fort William, in the western district of Upper Canada aforesaid, a warrant was put into his hands by the Earl of Selkirk, who was then a magistrate for the said district, and also for the Indian territories, by which this deponent and Prothée D'Ovet D'Osronnens, Esquire, late a captain in the regiment De Meuron, were required to proceed to the said fort, and there to put seals upon the papers, and to secure the arms and warlike stores belonging to the North-West company, or to William M^c^Gillivray, and eight other persons belonging to the said company, then present at Fort William, all which will more fully appear by a reference to the said warrant, of which a true copy signed and certified by this deponent is annexed to this information, and the original of which this deponent exhibited to the signing magistrate. That, in compliance with the said warrant, this deponent and the said D'Orsonnens went to Fort William, accompanied by Mr. John M^c^Nabb and Mr. Donald M^c^Pherson, who had the same day arrested the said William M^c^Gillivray, by virtue of a warrant from the Earl of Selkirk, on the charge of being accessary to the murder of Robert Semple, and other persons, on the 19th of June preceding, at the Settlement on Red River, and who were then in possession of another warrant, charging them to arrest several other persons belonging to the North-West company then at Fort William. That, after some resistance on the part of the accused, they were compelled to surrender themselves to the said M^c^Nabb and M^c^Pherson. That, as soon as this was effected, this deponent proceeded and showed the warrant, of which the annexed is a copy, to the prisoners, and requested them to desire their principal clerk, or some person in their behalf, to accompany him and the said D'Orsonnens while carrying it into effect. That they then appointed Mr. Robert M^c^Robb, one of their clerks, for that purpose, who immediately went with the deponent, and the said D'Orsonnens, to a building called the Office, in which the North-West company's accounts at Fort William are kept, where they were met, or were immediately afterwards joined by Mr. Jasper Vandersluys and Mr. James M^c^Tavish, two other clerks of the said company. That deponent then, with their assistance, began sealing up the papers, and, while so employed, Captain D'Orsonnens inquired of them where the arms were kept, and was answered by M^c^Robb, in the presence and hearing of the said Vandersluys and M^c^Tavish, that there were no arms in the fort. That, after sealing up the repositories of papers in the office, this deponent, and the said D'Orsonnens, proceeded to the apartments of the individuals who had been arrested, and were always accompanied and conducted by the said Jasper Vandersluys and James M^c^Tavish, who usually put a seal for the North-West company on the repositories of papers, along with that of the Earl of Selkirk, which this deponent affixed; and that the said Vandersluys took notes at the time of these proceedings. That, before the affixing of seals was completed, it was near midnight, and this deponent, and the said D'Orsonnens, agreed to defer securing the arms in the fort agreeably to the warrant till next morning; the Earl of Selkirk having permitted the prisoners, after they had been taken before him, to return and occupy their apartments, upon pledging their words that no further attempt should be made to resist or impede the execution of the warrant. That early next morning, intelligence was brought to the Earl of Selkirk, that a quantity of arms and ammunition had been secretly conveyed, during the night, out of the fort, and soon afterwards that upwards of eighty fusils had been found in a hay-loft adjoining to Fort William concealed among the hay, and in a great proportion loaded with ball and ready for action; and about the same time ten or twelve barrels of ammunition were found concealed in an adjacent meadow. That soon after the said arms were discovered, this deponent was informed that they had been seized and put into a place of security, to prevent an attack which deponent believes to have been meditated against the Earl of Selkirk, and the people with him. That Vandersluys and M^c^Tavish were perfectly acquainted with the nature of the warrant, of which the annexed is a true copy, having himself shown it to them; and, as this deponent believes, one of them took a

copy af it for the use of their employers. That deponent was therefore much surprized, on the 19th of March 1817, on the arrival of William Smith, under sheriff of this district, to find that he had a warrant of arrest for felony against the Earl of Selkirk, this deponent and others, for having feloniously stolen and carried away the the fusils discovered as aforesaid concealed among hay, apparently for the purpose of destroying the Earl of Selkirk, and those who were assisting him as a magistrate in securing criminals, and materials for their conviction in a court of justice. That this deponent hath understood and believes, that the said warrant for felony was granted by a magistrate of the western district, on information on oath made by the said Vandersluys and M'Tavish, that the said fusils had been feloniously stolen, and this deponent declares, that the said Vandersluys and M'Tavish gave the said information on oath, falsely, maliciously and wilfully, notwithstanding their previous knowledge of the circumstances in which the said arms were secured as aforesaid.

Taken before me at Sandwich, this 11th day of April 1816. (Signed) *John Allan.*

(Signed) *J. B. Baby*, J. P. W. D.

Upper Canada, Western District. } Thomas, Earl of Selkirk, one of His Majesty's Justices, assigned to keep the peace in the said district, and likewise in the Indian territories, or parts of America.

To captain Protais D'Ovet D'Orsonnens, of the late regiment of De Meuron, and to John Allan, surgeon of the royal navy, and to all officers of justice in the said district, greeting—

Whereas there are good grounds of suspicion, that a traitorous conspiracy against the laws of the realm and the government of our Lord the King, has been carried on by the company of merchants, known under the name of the North-West Company, or at least by several persons, partners in the same;

These are therefore to require you forthwith to repair to the fort or trading post of the said company, called Fort William, and there (in presence of one of the chief clerks of the said company) to seal up all papers which may be found therein, belonging to the said company, or to William M'Gillivray, Alexander M'Kenzie, John M'Donald, Hugh M'Gillis, Simon Fraser, Daniel M'Kenzie, John M'Laughlin, or Allan M'Donald, and to secure the same, and also to secure all arms and warlike stores, which may be found within the said fort.

Given under my hand and seal, at Kaministigaia, this 13th day of August, in the year of our Lord 1816.

(Signed) *Selkirk.* (L. S.)

Inclosure (7) in Sir P. Maitland's, of 6th January 1819.

My Lord, York, the 8th of November 1818.

I have the honour to acknowledge the receipt of your Lordship's letter, and to thank you for the advice you have been pleased to give me. But it appears to me, the fact is so notorious that Mr. Fletcher was not employed by the government of this province, that a criminal prosecution set on foot against the individual in question is by no means necessary, for the purpose of vindicating its honour.

I have the honour to be, &c.

To the Earl of Selkirk. (Signed) *P. Maitland.*

Inclosure (8.)

May it please your Excellency, York, December 5th, 1818.

I am very thankful to your Excellency for having placed before me the communication which the Earl of Selkirk has thought fit to address your Excellency before his departure from Canada, containing, among other matters, a representation rather in the language of complaint, against my conduct as Crown officer, in declining to prefer to the grand jury a criminal charge against Mr. Fletcher, one of the special commissioners appointed by His Majesty, to take the most effectual measures for restoring to tranquillity the disturbed state of the Indian territories, and another against a Mr. Vandersluys, and a Mr. M'Tavish, for perjury.

This part of the Earl of Selkirk's letter more particularly calls for an explanation from me, and I shall therefore notice it, before I proceed to other points of his Lordship's statement; and I am sure I shall have your Excellency's indulgence, though I should insensibly be led into a lengthy detail, from a natural wish to repel the only representation in the shape of a complaint, which I know to have been made respecting my professional conduct, either public or private.

After

After all I had heard and seen of the conduct of the disputes between the Earl of Selkirk and the North-West company, before my official duties made me in any manner connected with them, I was not so infatuated as to imagine that when my turn came, the most upright intentions, the most independent, and at the same time most cautious conduct, could exempt me entirely from the illiberal aspersions which I saw constantly cast upon all who had the misfortune to have any thing to do with this extraordinary contest. The Governor, the Judges, the Crown Officers of the sister province, and both His Majesty's Commissioners, had been so indiscriminately blamed, that to be distinguished from all others by an exception from his Lordship's censure, would naturally have led me to fear, that I must have sacrificed my integrity to a dread of offending, and purchased my peace by a dereliction of duty.

With these feelings I acted in whatever I have found it my duty to do in prosecutions, which unfortunately for the ends of justice have been too much the subject of public discussion, trusting that the generality of his Lordship's crimination would convince dispassionate men, that, in his opinion, law was only properly administered, when exerted in gratifying in their utmost extent vindictive feelings against his opponents, and would leave myself and other public officers little to apprehend from the newspaper calumnies which this contest has generated, or from any complaints, unfounded in fact, which his Lordship, to answer the purpose of the moment, might choose to embody in a representation to the head of the Government.

My duty as Crown officer was obvious; I had but to consider on this, as on all other occasions, what public justice demanded, without regard to the private ends or feelings which either party might have in the criminal prosecutions which I might find it proper to prefer to public investigation. Of that intention I am conscious, and whatever may have been its success, it is at least fortunate for myself and for others whom his Lordship has thought fit to accuse, that much of our duty is discharged in the face of the country.

Upon the first matter mentioned in his Lordship's letter, namely, my declining to prefer a criminal charge against the special commissioner, Mr. Fletcher, I will observe to your Excellency, that by the usage of the colonies, at least of the provinces of Canada, the conduct of all criminal prosecutions proper to be tried in the superior criminal courts is entrusted to the Crown officer, who, besides that the established charge against the revenue of the colony for each prosecution, though inconsiderable, is sufficient to produce in him a delicacy in incurring it where the charge appears frivolous, and a more proper remedy can be elsewhere obtained, as also a discretion which his situation as prosecuting immediately for the Crown, requires he should exercise, in not suffering himself to give the sanction of his name to a criminal prosecution, intended merely for the gratification of private resentment, and urged rather by party feelings than a regard for public justice.

Peculiar circumstances also, connected with a particular case, as in this instance the special appointment of Mr. Fletcher, may place the Attorney-General, who is not supposed to act without the sanction, much less against the wishes of his Government, in that situation, that he will conceive it his duty to await their directions, before he involves them in a responsibility, which his acts in some measure impose upon them.

Having made these remarks, I leave it to your Excellency upon the perusal of my letter to Mr. Gale, of which a copy accompanies his Lordship's communication, to determine the propriety of my decision with respect to prosecuting Mr. Fletcher, upon the reasons which I there give.

With respect to his Lordship's next subject of complaint, my declining to prefer an indictment against Messrs. Vandersluys and M^c^ Tavish for perjury, my letter to Mr. Allan, which I thought it proper to write, that my reasons might not be misunderstood or misrepresented, of which his Lordship has transmitted a copy, contains all I then thought and still think upon that subject. It will place the matter as it was, before your Excellency, and I will leave it there without comment, only remarking, that charges for similar perjuries, might with as great propriety, and in some instances with greater, be preferred against many of the witnesses brought forward by his Lordship, to support the different charges against the servants and agents of the North-West company, lately determined.

I have a number of affidavits in my possession, in which his Lordship's witnesses charge acts unequivocally in all the technical language of the law, to be larceny,

murder, &c. which a court and jury had no hesitation afterwards in deciding to be neither one nor the other. Among them, several charging the two Scotch lads lately tried with stealing nine pieces of his Lordship's cannon, a charge which when the facts were given in evidence, appeared to the court and jury, at least as it respected those two persons, to be perfectly ridiculous. Yet knowing that the affidavits on both sides had been in most instances prepared for the deponents by the professional agents of both parties, or by the parties themselves, who charged the acts complained of in such language as they fancied they might bear, I never deemed it my duty to prosecute his Lordship's witnesses for perjury; and I must do the accused, upon those charges, the justice to say, that they did not require it of me.

If your Excellency had been longer in this province, it would be unnecessary to remark to you upon the industry used by the Earl of Selkirk and his adherents, and by the North West company, to impair the reputation of each other, by accumulating upon them the criminal charges of every grade, and how obvious it is that a public prosecutor must find, that a temperate administration of criminal law, would require him to discountenance some of the accusations which such feelings of mutual indignation would give rise to.

It was my duty to exercise my discretion in rejecting what I thought clearly improper, whoever might wish to advance it. The same principles which governed me in this particular instance, made me refuse to prefer several charges for felony against the Earl of Selkirk and his followers, for outrages which, though nothing could justify them, I did not think were felonious in the eye of the law, and which, therefore, though urged by the agents of the North-West company, I declined submitting to a grand jury.

They seemed, like his Lordship, not altogether convinced of the propriety of my decision, or the necessity of my scruples; but it seems they gave me credit for thinking myself right, for they have made no accusation of me to your Excellency.

In reference to this case, and to that of Mr. Fletcher, it is to be remarked, that if in both points I decided contrary to his Lordship's judgment, he was still in no worse a situation than all prosecutors are in England. For if the Crown officer here is urged to prefer an indictment upon a charge which he thinks groundless, or perhaps vexatious, and he consequently declines it, it only follows, that the Government will of course not defray the expense of a prosecution which its own officer condemns, and not, by any means, that the door of justice is shut.

Soon after my return from the western circuit, a letter was addressed to me by Mr. Allan, who urged the prosecution for perjury, dated the 16th September 1818, of which I see his Lordship has inclosed your Excellency a copy.

It was the first thing resembling an insult (though the writer disclaims any intention to offend) which I had received in six years professional duty, public and private; and I have the satisfaction of being assured I never deserved it less. I should be much to be pitied, placed in an office, the exercise of whose duties cannot be agreeable to all, if such incidents gave me much pain.

I considered, Mr. Allan, by his occupation for the last few years, had acquired a habit of invective, which he did not apply with very accurate discrimination; and that his letter was written, no doubt, as well as that to your Excellency, which is now before me, to fill a niche in some future pamphlet. The only notice I took of it was, to mention it and my sense of its indecency, to his Lordship's counsel, Mr. Gale. I did not suffer it to have the effect for which it was probably designed, of giving his Lordship some pretence of complaint, that I would not communicate freely with his agents and witnesses during the trials that were afterwards to take place.

The Earl of Selkirk next remarks upon the proceedings at the late assizes at Sandwich: they are indeed truly stated to have been extraordinary, and presented too striking a proof of the unhappy effect which contests of such interest, and supported by such influence, may have in a society so limited as this, in depraving public morals; and how a spirit of party may lead men, in a particular instance, to discredit the tenor of a well-spent life. I will give your Excellency, in as few words as I can, an account of what passed at Sandwich, in which the Earl of Selkirk was concerned, not with any view of vindicating myself, for his Lordship there imputes nothing to me, and if he had, I could have no objection to share in the censure he has, with so little delicacy or hesitation, advanced against the Chief Justice. If presiding thirty years

years in the administration of justice, with a reputation for integrity and talent which has raised him to the highest station in the courts and councils of the province, do not avail to shield him from insinuations of so base a nature as are contained in his Lordship's letters, and from others more grossly indecent, which have filled the columns of newspapers, and which it is fair to believe were inserted by those who are interested in having them believed, surely others need not hope or wish to avoid them.

To a man conscious, as the Chief Justice, of having no wish but to discharge the sacred duties of his office in all questions brought before him, it can be matter of small concern what feelings of illiberal resentment the firm discharge of his duty may excite in the objects of criminal justice, or in what manner they may choose to give those feelings vent. Happily he serves a Government too just to suffer its servants to become the sport of artful misrepresentation and party spirit. It is due, however, to the reputation of the justice of the country, that the circumstances to which his Lordship adverts should be satisfactorily explained.

Soon after the Court opened at Sandwich, I preferred to the grand jury a bill of indictment against the Earl of Selkirk, and several others, for resisting the execution of a legal warrant by an officer of justice, whom his Lordship, instead of obeying, confined under a guard of soldiers lately disbanded from His Majesty's service, and retained in his Lordship's pay, armed with muskets and bayonets, part of the military band whom his Lordship maintained in forcible possession of the houses, goods, and papers of the North-West company at Fort William.

This act of his Lordship, it is doubtless known to your Excellency, excited that feeling in His Majesty's Government in England, that positive directions were sent by the Secretary of State, that the Crown officers of this province should be instructed to prosecute him for this open defiance of justice. The officer himself who had been thus imprisoned, and other evidence which placed the resistance of the law beyond doubt, were sent before the grand jury to support the charge; but in a very few minutes they returned the bill into Court not found.

I was prepared to find a feeling existing in his Lordship's favour among the principal inhabitants of the western district, for I was told it had manifested itself in several instances that had been represented to me before I had any personal concern in these prosecutions. It might be very naturally ascribed to the plausible printed publications of his Lordship, which had been circulated with a mischievous industry throughout the western district, and translated into French for the information of those who might be petit jurors, which were evidently written to discredit the testimony of the most material witnesses for the different prosecutions, and which contained, strange as it may seem, copies of all depositions of importance which his Lordship or other magistrates had taken for the prosecution, in charges for which men were afterwards to be tried for their lives. And it might also be ascribed to that feeling, honourable in itself and indicating a generous mind, which could with difficulty be brought to believe, that a peer of Great Britain could have committed crimes which should have put any private individuals out of the pale of society. I was aware of these prejudices which the prosecutor of his Lordship had to contend with; but I did not anticipate the possibility of a charge of so serious a nature as to have drawn to it the attention of His Majesty's Government in England, and supported by testimony so plain, being rejected by a grand jury in as short a time almost as must necessarily have been occupied in reading the bill. The consequence was, that though I had another indictment to submit to the grand jury against the Earl of Selkirk, and some of his armed followers, at the prosecution of the deputy sheriff of the western district, who went to Fort William to execute a warrant of restitution, and was imprisoned by the Earl of Selkirk for six weeks, under a guard of armed soldiery, until he was released by the special commissioners, when he proceeded in the execution of his warrant. I did not present it, choosing rather to deviate from the spirit of the instructions that had been transmitted from England, than to expose the administration of justice to a second insult more aggravated than that for which the prosecution was preferred.

On the second day of the Court, I preferred a bill against the Earl of Selkirk and many others, his Lordship's followers and adherents, for a conspiracy to ruin the trade of the North-West company, grounded principally on his Lordship's conduct at Fort William, after he had entered the fort with an armed soldiery, sent down the North-West partners prisoners, and taken into his own keeping their houses,

papers and goods. I will not detail any of the charges against the Earl of Selkirk and his followers, which from the overt acts of this conspiracy, and which, incredible as they might appear to your Excellency, were supported by the concurring testimony of more than thirty witnesses, to whom his Lordship laments a too easy credit has been given.

Whenever his Lordship affords an opportunity for a public investigation of these charges, it will be found that their proof depends not solely on the *viva voce* evidence of witnesses, whom his Lordship can with ease call perjured.

As the bill contained many charges of which the truth was complicated, and of various descriptions, much of it documentary, besides the testimony of so many witnesses, I desired the prosecutor, after he had given his own evidence to the grand jury, to remain with them, for the purpose of marshalling the evidence for the prosecution, calling the witnesses in the order best calculated to explain the different charges, and to unfold and arrange the written evidence, and show its application to the different heads of conspiracy mentioned in the indictment; and after he had done that to withdraw. I told him, also, that as a prosecution so complicated as this necessarily was, had perhaps never before occurred in this district; and the grand jury, from being unused to have the prosecutor attend to arrange the evidence, might hesitate to permit it; if he found he was received with distrust, or scruple, he should acquaint them, that he remained at the request of the Attorney General, who desired him, if he found the grand jury in doubt about the propriety of his attendance, to beg that they would mention their doubt to the Court, and take their direction.

The prosecutor soon came to tell me, that the grand jury would not suffer him to remain.

Conceiving they wished only to be satisfied what was right, I went into the grand jury room, explained to them, that the prosecutor remained at my request, and the necessity of his attendance, and showed them in a book of practice, in the criminal courts, that it was not unusual on the circuits in England, where there is no clerk, as in the King's Bench, to attend the grand juries. I left the book with them, and requested the prosecutor to return to the jury room, as I had no doubt the grand jury would now admit him. He did so, and immediately came back to me, saying, that the grand jury would not receive him. Sensible, from my knowledge of all the evidence bearing on the conspiracy, and particularly of the written part of it, how impossible it was that the grand jury could proceed without confusion, unless some person attended to call the evidence in proper order, I addressed myself to the Court, and informing them of what had passed with the grand jury, the necessity there was of some person attending to conduct the evidence for the Crown, and their scruples about admitting the prosecutor, begged the grand jury might be instructed by the Court, whether such admission was or was not proper and regular. The grand jury attended in Court. The Chief Justice explained to them the necessity in such cases as the present, and the practice, that either the prosecutor or the Attorney General should attend, merely to marshal the many witnesses who the Attorney General had stated were to be called in support of the indictment, some of whom could speak only to particular charges, and others to others, and to produce and arrange the documentary evidence, establish its authenticity, and show its application to the different heads of the conspiracy.

They expressed a reluctance to admit the prosecutor, in which the Chief Justice remarked to me, that such permission, though usual on the part of the grand jury, could not be compelled, and that if I was satisfied that without it it was useless to prefer the bill, it was in my discretion to withhold it, or that I might myself attend to perform that duty before the grand jury, as I had a right at all times to go before them to conduct the evidence for the Crown, where I deemed it necessary for the prosecution. I replied, that I wished the grand jury to consider of it; that I should like to avoid attending myself, as my absence might produce inconvenience to the ordinary business of the Court, but if they still persisted in refusing to receive the prosecutor, I must. They retired, and the foreman soon returned and said to me, "we are all for having you."

I consequently attended the grand jury (I think) on three successive days, during which I called the witnesses in the order which I thought would make their testimony most intelligible. Some of their examinations were unnecessarily long, extending to a great variety of facts, and requiring to be received through interpreters. I merely asked them what they knew of such and such matters, charged as different heads of conspiracy,

conspiracy, and then left them to such further examination as the grand jury chose to enter into. I also submitted a variety of written evidence. The whole might have been gone through in a day, if the object had merely been to ascertain, whether there was a sufficient ground to put the defendants to answer upon the charges in the indictment. I made not a remark or comment of any kind to the grand jury upon the evidence they had, and of course, when it was finished I left them to deliberate by themselves.

On the second day the Earl of Selkirk came into Court, and was commencing some observations against the proceedings that were going on before the grand jury, and complaining particularly of my attending to conduct the evidence, when he was interrupted by the Chief Justice, who desired him to wait till I was in my place, and I was called from the jury room into Court. His Lordship then spoke at much length of the harshness of the proceedings before the grand jury, in my attending to conduct the evidence; dwelt much on a circumstance he alleged, of two gentlemen being on the grand jury, who he said were commercial agents of the North-West company, and was at last sliding into what was evidently the whole intention of this address, a vehement appeal to the public, as to the little credit that should be given to the witnesses brought against him, from the circumstance of their being the clerks, servants, or agents of the North-West company, as if the public could avoid perceiving, that if, when his Lordship is charged with having, nearly 1,000 miles from any civilized country, carried at the point of the bayonet a trading establishment of a company of merchants, seized their persons, imprisoned some of their servants, seduced others into his service, stopped their trade, trafficked in their own houses with their own merchandize, opened and read all their books and papers, and committed, under the pretence of enforcing justice, every injury to private rights of which they are capable, the only witnesses to these acts are to be discredited upon their oaths, only because they were the sufferers, there would be impunity to violence indeed.

This part of the Earl of Selkirk's address was well timed; most of the grand jury had left their room, and were listening in Court to observations addressed to their feelings by a defendant in a bill brought before them, intended to stop justice on the threshold, by prejudicing them against the evidence to be brought in its support.

The Chief Justice, however, who had listened very attentively to what his Lordship had complained of as hardships, interrupted him now, and said he could suffer no remarks of that nature; that as long as his Lordship confined himself o the facts which he represented as matter of complaint, he was willing and determined to hear him, with every possible indulgence, and even to exert his ingenuity to relieve him, if any cause of remonstrance existed, but that when his Lordship was remarking on evidence that may be produced to a grand jury, and to dictate to the Court in what manner and with what credit such evidence ought to be received, his Lordship must feel that he was going beyond every proper bound. That it was the business of the Judge who presided there to instruct juries what degree of weight it was proper to give to any testimony that might be adduced to them on a trial, and certainly not the business of his Lordship to interfere at that time, and in that manner; that the Court would be acknowledging itself not competent to discharge its duty, if it suffered his Lordship so to dictate.

The Earl of Selkirk was attempting to say something further, but the Chief Justice put an end to the discussion, by remarking on the extreme impropriety of the attempt in that way to prejudice the grand jury and the public against the reception of testimony; and added, I am sure your Lordship must feel it.

I will enter into no detail with your Excellency of the proceedings of the grand jury, unprecedented in any thing I had seen or read of the administration of criminal justice, and which I am willing to believe arose from a total misconception of their duty, nor of the improper interference of other persons in their deliberations, for which there could have existed no such excuse. The gentlemen composing the grand jury are persons for whom individually I have great respect; but it seemed to me that their minds had been impressed with his Lordship's statements respecting other transactions than those before them, which have since been fully investigated, and they did not appear to consider, that if his Lordship's statements and inferences were in all respects correct, one crime was not to be set off against another, and that whoever may have committed offences, it was not for the Earl of Selkirk to punish them, by depriving them of their property, ruining their trade, possessing himself of their houses, books and papers, and obtaining by an unjustifiable and

cruel imprisonment of one of their company, a pretended sale of their effects to the amount of many thousand pounds, which if the law, under such circumstances, could have given it validity, might nearly have ruined the interests of men dispersed through distant parts of the world.

After the testimony of more than thirty witnesses, applying to every charge in the indictment against his Lordship, and the most active of his adherents in their proceedings at Fort William, had been given to the grand jury, besides documents in the hand writing of the accused, which spoke for themselves, they remained in discussion upon this same bill from Thursday morning, when the evidence for the prosecution was closed, till Saturday evening. The ordinary business of the district, civil and criminal, which is seldom much, was finished, I think, on Wednesday, and the country remained together, waiting the issue of the deliberations of the grand jury day after day. The Court met on the morning of Thursday, Friday, and Saturday, and sat, with nothing before them, till late in the afternoon, sending always before their adjournment to know whether the grand jury would have any thing that day for the Court; the answer was always in the negative, and no assurance could be given of the probable time of their agreement. The petit jury, who were from a distant part of the district, and in whose families at that time an unusual degree of sickness prevailed, were naturally impatient at this strange state of things, and particularly when the Court was adjourned from the Saturday until Monday.

On that day the Court met as usual; it was near twelve o'clock when the grand jury assembled, and then because one or two of their members were absent, they would not proceed to business, though they had more than the necessary number. The Court received no more satisfactory answer than before respecting the time when they might be expected to come to any decision, and seeing, I suppose, no end to this absurd and extraordinary conduct, and feeling that the King's commission, and the administration of justice were trifled with, and the country harassed without any prospect of termination, the Chief Justice, after sending another message to the grand jury by the Sheriff, to which no answer, it seems, or no satisfactory one, was received; after stating publicly the reasons which guided his conduct in this unusual situation in which the commission was placed, and which I take it for granted have been reported by him to your Excellency, adjourned the Court at one o'clock, *sine die*.

The Earl of Selkirk knows who rejoiced, and not without reason, at this abrupt termination of the Court, and to whom the consequences of a measure which it was considered the dignity of the administration of justice required, were "injurious and "oppressive." His Lordship knows very well, for I fear some of his agents had too good means of information, that notwithstanding all exertions to the contrary, if the Court had thought themselves justified in detaining the country at the pleasure of the grand jury, he might soon have had an opportunity of disproving what he calls the perjured calumnies against him, but his Lordship at the same time doubtless knows, that one of his counsel, anticipating, what at least with respect to his Lordship, and some others, was inevitable (whatever might have been the inclination of the grand jury, had the testimony been less conclusive,) apprised me while the Court was sitting of his Lordship's intention to traverse the indictment for conspiracy to the next assizes, expressing a hope that I would not resist the application, thus meaning to put off to another year, the termination of what his Lordship calls the groundless and vexatious proceedings against him; although he laments to your Excellency that the adjournment of the Court prevented them from being brought immediately to issue, and though he states to your Excellency, that his witnesses were there, brought from a distance at a great expense to meet his accusers.

Yet his Lordship now complains to your Excellency of the injury and oppression he has suffered, by an event which appeared to me to give him very evident satisfaction at the time.

To the prosecutors I well know the consequences were mortifying and ruinous beyond measure; they had brought at an expense almost incredible, from remote parts of the Indian territory, and at an inconceivable inconvenience to their trade, a number of witnesses whom they could scarcely hope to assemble again, and at the very moment when they fully believed the object of this exertion was about to be attained, and an opportunity afforded them of bringing their complaints before the country, all their expectations were defeated, and the toil of months, and expenditure of thousands, rendered useless by the adjournment of the Court; they had reason to

to consider it to be the heaviest misfortune that could have befallen them, but they supposed the act of the Court which occasioned it was proper, and though in its consequences it bore harder upon them than can be conceived, they submitted.

The Earl of Selkirk, on the other hand, to my equal conviction, felt relieved by the termination of the Court; he saw it would enable him to say, as he now does, that nothing could be brought against him; that he was there anxious to meet his accusers, and ready to show the falsehood of their charges; and that (as he now says to your Excellency) he can conceive himself no longer under obligation to remain in the province; and yet his Lordship, I regret to see, not only complains of the adjournment of the Court, but even insinuated that it was done by the Chief Justice, with intent to embarrass him.

The concluding part of his Lordship's letter is intended to account to your Excellency for his departure from Canada, at the moment the criminal charges, in which he was the prosecutor, and which had been depending for more than two years, were to be brought before the country.

Whatever may have been the imperious necessity occurring so singularly at the worst possible time, which impelled his Lordship to leave Canada at the moment when the statements by which he had influenced the public mind for so long a period, were to be brought to the test of truth, it was matter of regret and inconvenience to me at the time it should have been considered necessary to observe so mysterious a secrecy as to his movements. I hope his Lordship's agents were themselves misled, for they certainly misled me, and I was suffered to delay for some days preferring the charge, in which I was most anxious to avail myself of his Lordship's information and suggestions, in hope of his arrival, as they assured me they had no reason not to expect him daily, though at that time he was on his way to England, or certainly within a day or two of taking his departure from Canada.

The prosecutions were proceeded in. Your Excellency and the public, before whom they were fully and impartially tried, know the result; and I believe all is now known that can be known of that most melancholy massacre in which Governor Semple fell, which had excited in the public mind a most lively interest, and an anxious hope that the truth might be probed to the bottom, and punishment fall upon the guilty.

The decision of these charges, notwithstanding the anticipations expressed in his Lordship's letter, was so far from surprising his counsel or agents who attended here, that I found in them throughout a disposition to avoid bringing them forward, if they could have been consistently abandoned; and I was indeed solicited, I think in two cases, but certainly in one, to enter a *Noli Prosequi*.

I knew well enough from the evidence before me in those cases, how idle it was to persevere, and in ordinary cases might have saved myself the unpleasant exposition of advancing charges to a jury which refuted themselves; but it was too well impressed on my mind, with what caution it was necessary to act in a matter where no person's reputation was safe, if any future purpose was to be gained. I told his Lordship's counsel, Mr. Gale, that if he would state in writing, his conviction that justice did not require further proceeding in those cases, there being no sufficient evidence to convict the parties charged, and suggest that a *Noli Prosequi* should be entered, I would consider of it, otherwise I would proceed and make the most of the evidence, whatever it was, leaving the issue to the jury. His answer was, that he did not feel quite authorized to give any thing in writing upon the subject, and I was the more convinced of the propriety of my resolution.

His Lordship in the concluding sentence of his letter, assures your Excellency, that the result of the trials, which he regrets he cannot attend, cannot be doubtful if the evidence be brought forward in a suitable manner, but that his Lordship adds, "is a "point over which he has no control, as the law officers of the Crown in Upper "Canada, as well as in the Lower Province, assume to themselves the entire "management of all criminal prosecutions, without admitting the participation of the "counsel for the private prosecution."

In answer to this, I assure your Excellency I never heard of a refusal by any Crown officer of this province, to admit the participation of the private counsel of any prosecutor, nor do I believe his Lordship ever did; that the only instance of an application of the kind to myself was from his Lordship, with respect to the very prosecutions he is speaking of, conveyed in a letter of the 8th of April last, to which

I replied, by distinctly assuring him, "that any assistance which his Lordship as "prosecutor, or his Lordship's counsel, could properly render, I should be desirous "to avail myself of in the most ample manner, consistent with the course of pro-"ceeding at our bar, and that his Lordship must be aware nothing more could "depend on me;" by which I meant, that it was not in my power to say that any counsel his Lordship might bring from a sister province, could be permitted to plead in our Courts until they had been admitted by the law society of this province, which is established by Act of Parliament, and of which I am but an individual member. Of course this saving which I thought it proper to add, that his Lordship might not be misled, did not extend to any members of our own bar, whose assistance I thus expressed my readiness, and even desire, to receive in the fullest possible extent. I transmit to your Excellency a copy of my letter.

His Lordship nevertheless, though he received this answer from me, never afterwards intimated a wish to associate with me any professional gentleman. He had two counsel in the province who have long been engaged in his interests, one of whom I asked on the circuit, whether it was not his intention to attend the trials at York, to which he answered, he had no idea of it; the other is resident here, but never intimated to me a wish to take any share in the management of the prosecutions. Mr. Gale, a member of the Lower Canada bar, and one of his Lordship's counsel, was present at the trials, quite accidentally, as he assured me, having been arrested by a severe illness in his return from Sandwich to Lower Canada; I considered myself fortunate in thus having the benefit of Mr. Gale's talents, and knowledge of facts and evidence, an advantage which Mr. Gale knows I improved to the utmost.

This statement must convince your Excellency of the incorrectness of this observation of his Lordship; and I cannot avoid mentioning another circumstance, which will show your Excellency how very disingenuous this remark would have been, even had it been true.

Two civil actions have been brought against his Lordship for false imprisonment; one by Mr. Daniel M'Kenzie, of the North-West company, and another by the deputy sheriff, Mr. Smith, whose imprisonment by his Lordship, when in the execution of legal process, I have mentioned before. Of course, in these cases, his Lordship's choice of counsel was uncontrolled; the Crown officers, whom his Lordship seems so disposed to find fault with, had no power to dictate or restrain; and it may not a little surprize your Excellency, after reading this complaint in his Lordship's letter, to hear that he wrote to me in October last, requesting to put his defence into my hands, as his leading counsel; I had been retained by the plaintiffs in both actions, and was therefore obliged to decline the honour.

Here his Lordship's personal interests and feelings, I presume, were as nearly concerned as in any criminal case in which he was prosecutor, and being perfectly at liberty, he applied to the very person whose exertions in conducting what is properly the duty of his office, he would lead your Excellency to think he distrusts, by observing, that he cannot answer for the result of these prosecutions, because "the law "officers of the Crown in this province will suffer no participation of his private "counsel;" an assertion, which as a general remark, applying to this province, is, as far as I know, altogether unfounded, and which is made by his Lordship, in this particular instance, with a perfect knowledge of its untruth.

I know his Lordship must feel that the general tenor of his letter is equally uncandid and illiberal with this remark, though it may not be from the nature of it so completely in my power to show the fallacy to a third person.

I have been thus particular in the account I have given to your Excellency of every matter to which the Earl of Selkirk's letter refers, from a conviction that your Excellency cannot but be desirous of being enabled to vindicate the conduct of His Majesty's officers under your government.

In answering his Lordship's letter, I have been necessarily led only to remark upon the conduct of the disputes between the Earl of Selkirk and the North-West company, with reference to his Lordship and his agents; but it is by no means my wish, that your Excellency should understand me as giving any opinion, that the acts of his Lordship and his agents, which have given rise to those disputes, are more or less justifiable than those of his opponents; of this the public must judge from the evidence. I have had occasion to speak of publications by the Earl of Selkirk, upon charges

charges which were still pending. He may impute, with truth, the same impropriety, to a certain extent, to the North-West company; and as to what is said respecting the issue of the trials lately terminated at York, I distinctly beg your Excellency will not infer from it, any impression on my mind respecting the truth of his Lordship's complaints against the North-West company, or that his Lordship and his agents have suffered no wrong; such an inference can by no means be justly drawn from the result of those prosecutions.

The few persons who were tried at York, were among those least implicated by the evidence his Lordship has put into my hands. It is much to be regretted, that the most conspicuous actors in the violences of which his Lordship complains, have never been placed within the jurisdiction of our Courts, an evil which his Lordship knows no suggestions or exertions of mine were wanting to remedy.

Conscious as I am of the different sentiments my conduct towards his Lordship and his agents, in all matters in which I have had occasion to communicate with them, ought to have excited in his Lordship's mind, I was surprised on reading the beginning of his letter, at the sort of attack he has made upon me; but the sequel of the communication fully explains to me its motives; his Lordship felt the obligation which his rank imposes; he felt that his hasty departure from Canada, while charges of no common kind were depending against him, with a resolution, which he seems to intimate, not to give his prosecutors again an opportunity which, by no fault of their own, they had lost, would give your Excellency no very favourable impression, and that it was necessary to account for the untimely desertion of prosecutions of which he was the author. It probably also occurred, that it might be prudent to prophecy the possibility of the result in which those prosecutions have terminated, and ascribe them to a want of exertion or talent, if nothing worse, in those who were to conduct them.

To answer these ends, it would doubtless appear good policy to his Lordship, to appear extremely indignant at those he had left behind him, and particularly those who might imagine they had some reason to express surprize at his Lordship's singular movements, to exclaim, that he was the injured party, and that if the ends of justice had hitherto not fully been attained, his was the disappointment and loss. His Lordship conceived it necessary to say something to your Excellency upon his departure, and chose to make it appear, that he had been principally impelled to address your Excellency by the injustice he had received, and not from any idea that he was called upon to exculpate.

To that end, when he was on the point of leaving the country, he complains to your Excellency of a denial of justice by your officers two months before, which he had had ample opportunity of communicating to your Excellency, at a time and a distance that would have given him an immediate prospect of receiving your Excellency's decision upon his reference, and your sentiments upon his complaint.

As to any private feeling that can be imputed to me, either on the one side or the other, in this unfortunate contest, I must inform your Excellency, that when I was in England two years ago, I was written to by an agent of the North-West company, to request that I would consider myself retained as one of their counsel in any civil proceedings which might grow out of their contest with the Earl of Selkirk; in criminal cases they knew I was, of course, always counsel for the prosecution.

Since my return to Canada, imagining that I perceived in the Earl of Selkirk a disposition which led him always to suspect, and to give no man credit for acting upon pure motives where he saw a possible temptation to dishonour, I wrote to the agent of the North-West company, to acquaint him, that though I had never been literally retained, yet, in consequence of their application to me in England, I had of course considered myself their counsel in civil matters, where they might have required my aid; that no such occasion for my professional services having yet occurred, I had of course received nothing at their hands, nor had any pecuniary claim whatever upon the company; that feeling the delicacy of my situation, I chose that no ground should exist, as far as I could prevent it, for illiberal remark, and that there should be no pretence for ascribing to the zeal of a private advocate, any steps which I might consider it my duty to take as a public prosecutor; that therefore while any criminal proceedings were depending between them and the Earl of Selkirk, I should not be the advocate either of the company or of his Lordship in any civil proceedings of the one party against the other, and that they were consequently to consider me no longer their counsel.

I am therefore perhaps the only member of the profession in this province, who is not engaged on the one side or the other of this extraordinary contest.

As Crown officer, it will be believed my labour in these prosecutions has not been trifling; they have occupied much of my time, and most of my attention and anxiety for almost a year. I have paid out of my own pocket more than £. 60 for transporting two of his Lordship's prisoners from Lower Canada to the gaol of this district, and £. 15 and upwards for postage of depositions forwarded to me from Montreal; and having applied to the Government of this province to be reimbursed, I am informed, that the expenditure must be borne by the Government of Lower Canada, whom I do not serve, and of whom I can therefore ask nothing.

The charges in my accounts for all I have done in these troublesome prosecutions on both sides of the question, will scarcely amount to £. 40, which is of course all I shall receive; it would scarcely pay for the stationary I have expended, and the wages of a copying clerk. I had nothing therefore to hope from any concern I have had in the legal discussions to which these unhappy disputes have given rise, but the reputation of having, to the best of my ability, discharged my duty; that I believe I have obtained, and I doubt not even in the opinion of his Lordship.

I have the honour to be, &c.

(Signed) *Jn° B. Robinson*, Att. General.

Inclosure (9.) in Sir P. Maitland's, of 6th January 1819.

My Lord, York, 19th April 1819.

The receipt yesterday of your Lordship's letter of the 8th instant, relieved me from the embarrassment in which I was placed, by the utter ignorance I had been left in, of the intentions and proceedings of the prosecutors of the criminal charges it refers to. An application had been made in this province on the behalf of the accused in those charges to be brought to trial, which application was referred to me for my Report. The petitioners requested, that as early a day as possible might be appointed, and named the 20th of April, the first day after the termination of our then approaching Easter term. I had of course nothing to report, but that I was yet unfurnished with any instructions to enable me to enter upon the prosecutions, though the Crown officers of this country had, more than once, represented the necessity of their being sent; and that as I was quite unable to say when the means of being prepared might be placed in my power, I could not undertake that the petitioners could receive their trial on the day they had named, or any other given day. We have in this district a commission of Oyer and Terminer, and gaol delivery always subsisting; and the Court willing, it seems, to interpose no obstacle in the way of as early a trial as circumstances might make practicable, adjourned our ordinary criminal Court which sat in March last, to the *twentieth* of this month (tomorrow.) We shall of course meet, but the Crown has no evidence, and there can be no trials; and I am well pleased to be able to state from the prosecutors instructions, the impossibility of immediate proceeding, and to account satisfactorily for the unavoidable delay.

I have the honour to state my perfect concurrence with your Lordship, in the expediency of suffering the prisoners detained in Lower Canada, whose trials are appointed to be in this province, to remain in their present secure custody until their removal is necessary. The proper method of bringing them here shall be well considered; and I have only to add, that it seems matter of regret, that as the greater number of trials for offences of a similar nature are to be had in Lower Canada, it sholud have been found inexpedient to adopt the same course with these, which would have saved to the prosecutors, prisoners and witnesses, much trouble, delay and expense, and would have given to your Lordship and the other prosecutors a more entire advantage of the assistance of such professional gentlemen as have had the means of becoming most conversant with the facts involved in these prosecutions.

On that part of your Lordship's letter which has produced this remark, I can only say, what I trust is scarcely necessary, that I will on this, as on other occasions, do my duty to the Crown in the prosecution of the offenders, as well as I may be enabled from the means of preparation placed within my reach, without any consideration of any interests but those of public justice; and that any instruction or assistance which your Lordship, as prosecutor, or your Lordship's counsel can properly render, I shall be desirous to avail myself of in the most ample manner, consistent with the course of proceeding at our bar. Nothing more, your Lordship is aware, can depend upon me.

I have the honour to be, &c.

To the Earl of Selkirk. (Signed) *Jn° B. Robinson*, A. G. U. C.

Sir, York, 6th November 1818. Inclosure (10.) in Sir P. Maitland's of 6th January 1819.

Having perused the communication to your Excellency from the Earl of Selkirk, on the subject of the late assize at Sandwich, I shall refer your Excellency to the Attorney General for his relation of what passed in Court, with respect to its adjournment on that day, had not his Lordship advanced a direct falsehood, in asserting that the grand jury was not sent for previous to the adjournment. As that fact is peculiarly within my own knowledge, I must claim your Excellency's indulgence to its refutation.

The grand jury was too obviously split into parties at the commencement of the assize, but was treated by the Court with the most respectful attention to their representations. The first bill preferred against the Earl and his adherents, was ignored, with little deliberation, and the ordinary business of the assize, civil and criminal, was got through early in the week. A bill had been then preferred against the Earl of Selkirk and others for a conspiracy, on which the evidence for the Crown had been closed on the Wednesday; when it was intimated to the Court, from the grand jury rooms, that no bill would be found that day. On the next day the Court met, by adjournment, at ten o'clock, and sat patiently, having no business before it, until the evening, when, upon a similar notice from the grand jury, that no bill would be returned that day, an adjournment took place to the ensuing day, and so for three days the country was kept together by the grand jury declining to return, bill or no bill.

The petit jury had been very importunate to be released, and hourly application made to the Court, on account of sickness and distress in their families.

The business before the grand jury being of great public expectation, the Court was induced to adjourn from Saturday evening to Monday morning.

In that interval, the injustice to the public in keeping it together received further consideration; and having good reason to believe that great irregularity had prevailed in the jury room, and to know that the accused's witnesses and counsel had been sent for to be examined, and that the jury would not reject the bill without the concurrence of twelve, nor find it, the Court, at its opening on Monday, sent the Sheriff to the grand jury, to desire its attendance, to afford to the Court some explanation of this extraordinary delay, intimating that if they did not, in a body, or by their foreman, satisfy the Court on that head, it would adjourn at 12 o'clock without delay. The Sheriff returned from the grand jury, reporting that they would not give any answer to the Court. The bar was then called upon to say, if in the experience of any, such an occurrence had been known. The unanimous answer was, that it was unprecedented, and no alternative remained but adjournment without delay. It was not to be conceived that an undue influence prevailed; and desiring to avoid all other notice of the indignity offered to it, the Court, remaining an hour beyond the limited time, adjourned at one o'clock, with full concurrence of His Majesty's Attorney General, the prosecutor, no jury appearing, after the indictment had been five days before it.

This plain detail is most respectfully submitted to your Excellency, without comment, from Your Excellency's, &c.

His Excellency (Signed) *Wm Dummer Powell*, C. J.
Sir Peregrine Maitland, &c. &c. &c.

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No. 40.

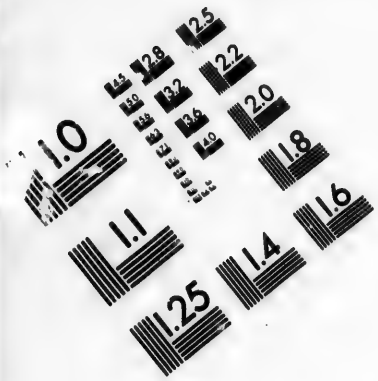
Copy of a Dispatch from Major General Sir Peregrine Maitland, K. C. B. to the Earl Bathurst, K. G.; dated York, Upper Canada, 3d April 1819:—Four Inclosures.

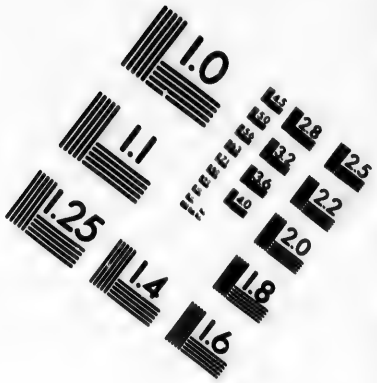
My Lord, York, Upper Canada, April 3d, 1819.

THINKING it my duty to put your Lordship in possession of all matters connected with the points in dispute between the Earl of Selkirk and the North-West company, I do myself the honour of inclosing copies of a petition and affidavit I have received from Mr. Allan, one of his Lordship's attendants, and a surgeon on the half-pay of the royal navy, accompanied by observations thereon by the Chief Justice and Attorney General.

I have the honour to be, &c.

To the Right Hon. (Signed) *P. Maitland*,
the Earl Bathurst, K. G. &c. &c. &c. Lieut. Governor.

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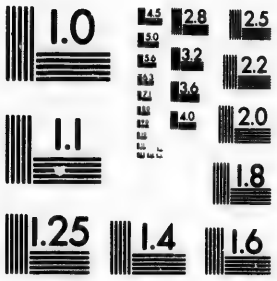


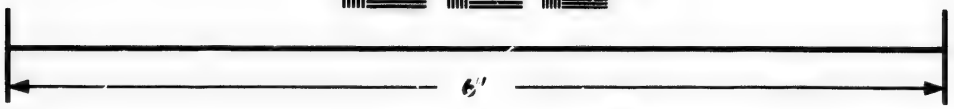


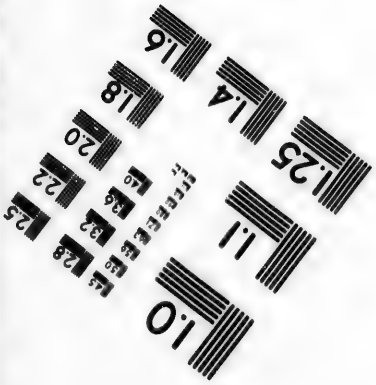


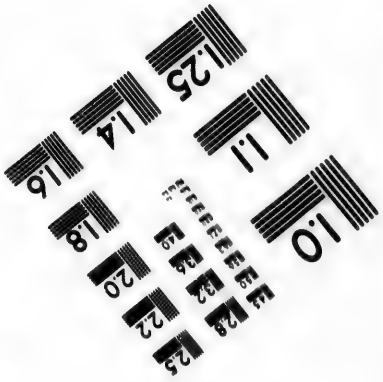


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23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

Inclosure (1) in Sir P. Maitland's, of 3d April 1819.

To His Excellency Sir Peregrine Maitland, Knight Commander of the most honourable Military Order of the Bath, Lieutenant Governor of the Province of Upper Canada, Major General in the Army, and Commander of the Forces in the said Province, &c. &c. &c.

The Petition of John Allan, Surgeon in the Royal Navy.

Humbly sheweth,

That your petitioner having served His Majesty during two years, as assistant surgeon in His Majesty's ship Emerald, was promoted by the recommendation of his captain, Frederick L. Maitland, esquire, to the rank of surgeon. That your petitioner afterwards served with unblemished reputation under several commanders, during four years: that after the end of the war with France in 1815, His Majesty's ship Erne, of which your petitioner was then surgeon, being paid off, your petitioner, by the application of his captain, the Honourable William John Napier, and of the Earl of Selkirk, obtained leave from the Admiralty to come to America. That your petitioner then set out with the Earl of Selkirk in the capacity of his medical attendant, and in that capacity has accompanied the Earl of Selkirk in his travels on this Continent, and has thereby been involved in various legal proceedings. That your petitioner does not complain of being held responsible for any acts of his own, but he complains of illegal oppression and partial conduct on the part of servants of His Majesty in this country, so irreconcileable to a just sense of their official duty; that a recital of it, if your petitioner was permitted to lay it before your Excellency, could not fail to excite your displeasure: that your petitioner has also to complain of a partial operation of a law passed in the last session of the Legislature of this province, which received the Royal sanction on the 27th of last November.

By this law, powers of jurisdiction were created in any court in any district of this province, to try certain acts in the preamble of that statute, termed "Offences committed." That in virtue of that statute, acts imputed to your petitioner, in consequence of which he had already suffered the injustice above complained of, have been taken cognizance of by the court and grand jury of the home district, although their powers of jurisdiction over the acts in question, or over the place where they are alleged to have been committed, and the statute from which such powers are derived, had no existence till more than two years after the acts imputed to your petitioner are alleged to have been committed. That according to this construction, which has been acted on by the court here, by the same individual as judge who is understood to have originally framed the statute, the Legislature is declared to have affirmed, that offences had been committed, and to have virtually pronounced verdict of guilty against the persons supposed to have committed those offences; and your petitioner begs leave respectfully to submit, that if the above construction of the statute be just, this declaration of guilty, virtually pronounced by the Legislature against your petitioners and others, has violated one of their birth-rights, as subjects of His Majesty entitled to the protection of the British constitution, for your petitioner has not been put on his defence for the acts in question, and has not been declared guilty by a jury of his peers; but if the construction which has been put on the statute by the same individual who is understood to have framed it, be erroneous, and if it were not the intention of the Legislature that the acts imputed to your petitioner and others, should be comprehended among those in the preamble of the statute, termed "*offences committed*," then your petitioner respectfully submits, that the jurisdiction assumed by the grand jury and court of this district over the acts and person of your petitioner, has been assumed without lawful authority. Your petitioner further respectfully submits, that by the provisions of this statute he has been divested, without his consent, of one of the most precious privileges enjoyed under the British constitution, that of not being liable to be indicted for any act imputed to him, except by such grand jury as possessed competent authority by being composed of individuals possessing the qualifications required by law, in the district within the jurisdiction of which the acts imputed to your petitioner are alleged to have been committed, for exercising the functions of grand jurors within that district; and also that your petitioner, by the provisions of this statute, has been deprived of another of the most indubitable legal rights enjoyed under the British constitution, that of not being amenable for trial for any acts imputed to him, except to such courts as possessed competent jurisdiction over such acts, and over the place where they were committed, at the time that they are alleged to have been committed.

That

That by the construction which has been put on the provisions of the same statute, the accusers of your petitioner have been invested with a privilege not possessed by any other subjects of His Majesty, in any part of his dominions blessed with the protection of the laws of England, that of choosing out of eight or ten districts contained in this province, the one which might appear most advantageous or desirable to themselves, for preferring their charges against your petitioner; that they have been invested with the right of choosing the body of men out of which a grand jury had to be selected for the investigation of the charges which they had to prefer, and also with the right of choosing the body of men out of which pannels of petty jurors have to be selected, for trying the persons whom they have to accuse. That your petitioner hath not only been divested of his legal rights, without his consent, but that his accusers being invested with the privileges so utterly inconsistent with the equal and impartial administration of justice hereinbefore mentioned, have proceeded in the exercise of the privileges then conferred on them, and having chosen the grand jury of the home district as most likely to suit their views (for it cannot be pretended, that in preferring their charges before this grand jury, the accusers of your petitioner have been actuated by any regard to the interests, advantage, or convenience of your petitioner,) they have succeeded in procuring an indictment against your petitioner and others for a conspiracy, founded on acts committed at a period, when neither the grand jury, nor the court in which the indictment has been found, possessed any jurisdiction over them, or over the place where they are alleged to have been committed.

That even supposing, that in choosing the grand jury by which their indictment has been preferred, the accusers of your petitioner, while consulting exclusively their own advantage, had contributed a little also to the convenience of the accused, which they have not done, your Excellency must have regarded with just contempt any set of men, so broken down in spirit, so abased in principle, as for the sake of any trifling inconvenience saved to them by an act performed by their enemies for their own exclusive benefit, to surrender without remonstrance, privileges dearer to them than their private property, or even their lives, privileges which it becomes them as Britons, to endeavour, with the assistance of your Excellency, to hand down unimpaired to posterity.

Your petitioner further begs leave to submit, that in consequence of the indictment preferred against him by the grand jury for this district, a restraint has been placed on his liberty, and he has been compelled to find bail to appear to take his trial at the end of six months in this district, for acts for which, had the indictment been preferred against him according to the laws of the land, and in the district where the acts imputed to him are alleged to have been committed, he would have enjoyed the advantage usually enjoyed by all the inhabitants of that district, of nearly twelve months to prepare for his defence.

That the grievance which your petitioner suffers under the construction that has been put on this statute, by thus at once divesting him of his legal and indisputable rights, and investing his accusers with such undue advantages, such unheard-of privileges, is soothed by the reflection, that the advantage which they have obtained by the indictment preferred against him, hath not been procured till after they had failed in an attempt in the accustomed forms of law, to substantiate the same charge to the satisfaction of the competent legal grand jury, which alone had authority to indict your petitioner for the acts now imputed to him, before the passing of the statute of last November, and not till the shield erected by the wisdom of the constitution in the bosom of that grand jury, had been torn down, with the effect of leaving your petitioner at the mercy of his accusers. That your petitioner begs leave to complain to your Excellency, that the grand jury at Sandwich were prevented from closing their deliberations on this charge by the Chief Justice adjourning the court, and that though the Chief Justice declared that the grand jury had treated the court with contempt, he took no steps to punish them according to law for such alleged contempt, but adopted the measure of adjourning the court, and that too at a time when no other court requiring the presence of the Chief Justice, was to sit in this province for about six weeks afterwards.

That if the deliberations of the grand jury had been closed before the adjournment of the court, your petitioner would either have been absolved from this charge, by the indictment being thrown out, or would at least have shared in the common advantage above mentioned, as usually enjoyed by the inhabitants of the Western

district, of nearly twelve months to prepare for his defence, and would have been put on his trial by a pannel of petty jurors, selected from a body of men, according to the known and established laws of the land, and not from a body of men at the choice of his accusers.

That your petitioner has no desire to evade answering the charges of his accusers; but in the extraordinary circumstances in which he is placed, circumstances so extraordinary, that none similar have probably occurred in the King's dominions since the period of the Revolution; that your petitioner humbly conceives that he would not discharge his duty as a faithful subject, and as a good Christian, if he forebore from stating to the Representative of His Sovereign, that the principles of natural and universal justice, secured by the British constitution to the rest of His Majesty's subjects have been violated to his prejudice by the construction that has been put on the statute, under the authority of which he is now under bail, and that in such circumstances, indifference on the part of your petitioner might well have been deemed pusillanimous, silent submission, criminal. Your petitioner therefore prays, with confidence of obtaining your Excellency's sympathy and attention, that your Excellency may be pleased to indulge your petitioner with permission to confer with your Secretary verbally, or in writing, and to communicate to him such facts and reasonings as your petitioner is prepared to produce, relative to the causes of injustice, to which he has been subjected; facts and reasonings which it can be deemed no less essential to the honour and interest of His Majesty's Government, that your petitioner should be permitted to lay before his Majesty's Representative in this colony, than that such a communication is absolutely necessary to prevent further individual oppression, by the perversion of public justice, which he apprehends from the further exercise of authority under the sanction of a statute whose dangerous imperfections must undoubtedly have escaped the observation of your Excellency, and of the other branches of the Legislature, at the time that it was passed.

And your petitioner shall ever pray,

(Signed) *John Allan.*

York, U. C. Home District.

Inclosure (2) in Sir P. Maitland's, of 3d April 1819.

John Allan, being duly sworn, deposeth and saith, that during the last two years various charges for misdemeanors, and one charge for felony, have been brought against him by the North-West company, or persons in their employment. That at Red River settlement, in the territory of the Hudson's Bay company, about the beginning of September 1817, this deponent was required by Mr. Coltman to enter into recognizances to appear at Montreal, in Lower Canada, distant about 2,000 miles, to answer to certain charges as a principal or accessary to certain offences, not exceeding the degree of misdemeanors alleged to have been committed at Fort William, supposed to be in the Western district of Upper Canada; that at the time these recognizances, this deponent understood that Mr. Coltman, as a magistrate for the Indian territory, had no legal authority to exact bail from this deponent to appear at Montreal, in Lower Canada, to answer for offences alleged to have committed in this province; but this deponent did give the recognizances required rather than be conveyed in custody from Red River to Lower Canada, and to show to the commissioner that this deponent was not unwilling to answer to the charges in question. That before proceeding to Montreal, this deponent about the beginning of January 1818, undertook a journey from Albany in the State of New York to this place, for the purpose of meeting some charges understood to have been preferred against him, and not included in the recognizances taken by Mr. Coltman as aforesaid. That after his arrival here, having seen the Chief Justice, and learnt that he declined entering into the consideration of such charges, or of taking bail for them, this deponent proceeded to Sandwich in the western district, where a magistrate who had issued a warrant for felony against this deponent, on an affidavit made before him by Jasper Vandersluys, a clerk of the North West company, discharged this deponent from the said charge for felony, on its appearing, as this deponent understood and believes, by another affidavit made by the same Jasper Vandersluys, that no felony had been committed. That after this deponent's arrival at Sandwich, he was compelled at the instance of the acting Solicitor General to enter into recognizance, to appear at the next assizes then next following in the western district, to answer some of the charges for which deponent had already been obliged to give bail as aforesaid to the special commissioner, to appear at Montreal in March last; and this deponent, at the same time, was obliged to give bail to appear at the quarter sessions at Sandwich in April last, for

for another of the charges for which recognizances had already been taken by the commissioner as aforesaid. That this deponent or his counsel, having stated the hardship of his being compelled to give bail to appear at Sandwich, and also at Montreal nearly about the same time, and for offences alleged to have been committed at the same place, and even for the same alleged offences, the acting Solicitor General said, that Mr. Coltman must have acted without legal authority in exacting bail from this deponent, to answer at Montreal for offences alleged to have been committed in Upper Canada; and that though Mr. Coltman might have acted wrong, it was still incumbent on the magistrates in the western district to exact bail from this deponent on the evidence then produced; that the acting Solicitor General also stated, that some of the charges, and more particularly one for an alleged rescue which was then brought forward against this deponent and others, was preferred in obedience to orders direct from His Majesty's ministers in England; that this deponent was naturally alarmed to perceive, that the exertions of the law officers of the Crown in the usual course of law in the courts of this province, was not the only difficulty which he had to encounter in defending himself from the charges which had been made against him; and having no alternative but to give the bail required or go to gaol, in order to answer at Sandwich in due time for alleged offences for which this deponent was already under recognizance to appear at Montreal, the bail required was given. That this deponent having afterwards appeared at the Court of King's Bench at Montreal, in March last, in pursuance of the recognizance taken by Mr. Coltman at Red River, was not allowed an opportunity of answering the charges for which Mr. Coltman had exacted bail to appear at that place, but was called upon by the court at the instance of the Crown officers, assisted by the private counsel of the North-West company, to renew the recognizance taken by Mr. Coltman, and to enter into bail to answer charges contained in that recognizance, at a court of Oyer and Terminer in the province of Upper Canada, or to go to gaol. That the Crown officers in supporting their motion on this occasion, maintained, in direct contradiction to the opinion expressed as herein before-mentioned on the same point by the acting Solicitor General of this province, that the recognizances taken from this deponent by Mr. Coltman were legally and properly taken. That a certificate was produced on behalf of the deponent, signed by the chairman of the quarter sessions at Sandwich, showing, that this deponent had already given, by the proper and legal authority, sufficient security to answer the charges against him in the western district of this province; but that, nevertheless, the judges at Montreal, who were believed not to possess any jurisdiction over the offences imputed to this deponent, ordered that bail should be given by this deponent for these imputed offences on pain of immediate imprisonment, in consequence of which order the bail required was given. That towards the end of March last, this deponent set out from Montreal, and travelled on horseback, at that season almost the only practicable mode of travelling in this country to Sandwich, to answer a charge for assault and false imprisonment preferred against him at the quarter sessions there; and that though two witnesses appeared against this deponent, and though the trial was then brought on at the instance of the prosecutor, this deponent was acquitted by the jury, the gentlemen officiating as counsel for the Crown, declaring at the same time in open court, that not a shadow of evidence had been produced against this deponent. That afterwards, about the end of August last, this deponent travelled again from Montreal to Sandwich, to be ready to answer the charges for which he had already given bail three different times, and at three different places, from six hundred to two thousand miles apart, and which he naturally flattered himself would at last be put in a shape to admit of being answered. That a charge for a rescue above-mentioned to have been preferred, as stated by the acting Solicitor General, by immediate orders from His Majesty's Ministers in England, was now set aside by the grand jury, who indorsed the bill of indictment preferred on that charge, "no bill." That this deponent was then informed, for the first time, that a bill of indictment against him and others, for a conspiracy, was to be brought under the consideration of the grand jury at Sandwich, and believes that the said indictment was under the consideration of the grand jury, and that before the same bill was determined upon, the court was adjourned *sine die*. That the deponent further believes, that an indictment to the same effect with that formerly under the consideration of the grand jury of the district, where the imputed acts on which it is founded are supposed to have been committed, and for which he has so frequently, during the last two years, been compelled to give bail as aforesaid, has now been preferred against him in this district, where the acts in question were not committed. That if a return

had been made to the bill of indictment before the adjournment of the Court as aforesaid, this deponent would either have been absolved from this charge by the bill being thrown out, or would at least have enjoyed the advantage common to all the inhabitants of the western district, of nearly twelve months to prepare for his defence, but that he is now called upon in a manner unusual, if not unprecedented, in any country whose inhabitants enjoy the regular protection of British laws, to answer at the end of six months in this district, to a charge grounded upon acts alleged to have been committed in the western district, at a period when the Court for this district is known to have possessed no jurisdiction over the place where the acts in question are alleged to have been committed. That this deponent is not aware of any act of his own, by which he hath been divested of the legal right, believed to be one of the most valuable privileges of British subjects, to be amenable for offences alleged against them to those Courts only which possessed jurisdiction at the time of the offences over the place where they are alleged to have been committed. That though some of those, supposed to be the private prosecutors on this charge, are known to have had their trials for crimes alleged against them, transferred from Lower to Upper Canada, yet the order for that transfer is understood to have been granted at their own desire, whereas this deponent has never desired to have his trial transferred from the western district, where it is supposed the only legal tribunal for trying him existed, at the time that the acts imputed to him are alleged to have been committed. That this deponent believes, that no example can be found in the British dominions, except in the case of the present indictment, where after an individual has expended almost two years in travelling, to appear at different and very distant tribunals, in pursuance of recognizances repeatedly exacted from him, on pain of imprisonment, an attempt has been made to indict him, not for offences previously imputed to him, and for which he was prepared to answer, but for one which had never been named to him before, as one for which he would be required to answer, and which imputing an intention not implied in the charges previously brought against him, required a much more extensive chain of evidence for his defence, than could have been necessary to disprove any of the separate offences previously alleged against him, and for which he had been so repeatedly required to give bail; and that after the attempt to indict him on such newly advanced charge has failed in the only Court believed to possess competent authority, he has subsequently been indicted before another Court, deriving its authority from a statute which had no existence at the time the acts imputed to him are alleged to have been committed. That this deponent has already been at no small inconvenience, and incurred great expense on account of the charges alleged against him in this indictment, in having been compelled to direct his attention from his professional pursuits, and to waste so much time in long and harassing journeys, for the purpose of answering these charges, by recognizances legally or illegally exacted; and this deponent, by these repeated journeys, for thousands of miles, believes that he has evinced a due desire to answer every accusation that might be brought against him.

This deponent further saith, that before he has consulted council, and inspected documents now at a great distance, it will not be possible for him to ascertain what witnesses may be required for his defence; and that he has reason to believe, and doth believe, that the most material witnesses are without the jurisdiction of this province, and consequently it will be almost impossible for him to procure their attendance, if he possessed funds adequate for that purpose; in these most extraordinary circumstances, this deponent believes, that he is entitled to the lenient consideration of this Court, and further, this deponent saith not.

Sworn in the Court, (Signed) *John Allan.*
Monday, March 1st, 1818.

In addition to what is contained in this affidavit, I have to state, that it was read on the first instant, in the Court here, on the occasion of my being arraigned on an indictment for a conspiracy, preferred by the grand jury of the district, founded on acts alleged to have been committed in the western districts, at a period when neither the grand jury nor the Court in this district possessed any power of assuming jurisdiction over the acts in question, nor over the place where they are alleged to have been committed, with a view of obtaining a mitigation of bail in favour of a prisoner who was thus, for the fourth time, and at a fourth place, required to find bail to answer for the same alleged acts, by raising a presumption in the mind of the Court, that the Crown officers in this province might be disposed to act more rigorously towards me, in the desire faithfully and zealously to fulfil the orders of the Government

Government from which they hold their appointments, than they would have been if left to prosecute according to their own judgment, in the accustomed forms of law, without any orders about me. That the impression produced by the affidavit did induce the Court to mitigate the bail, by permitting one of the collateral securities required of me to be subdivided into two portions; a measure which was necessary to prevent me being committed to gaol, because no person whose private property was known to be sufficiently ample offered to take one of the two collateral securities, though the amount was only £. 500; that such a subdivision of so small a sum should have been found necessary, is an ample proof of the advantage proposed to themselves from their influence on the public opinion, by my accusers, in choosing York as the place for preferring their charges against me. Security to the amount of £. 5,000, or any larger sum would not have been wanting in my behalf on such an occasion at Montreal or Sandwich; and yet my residence at York at various times has been longer than at Sandwich, and not much shorter than at Montreal. During the reading of the affidavit, the acting Solicitor General of this province, in a passionate and most indecorous manner, in open Court, asserted, "that it was not true that he "was acting Solicitor General at the time that he was at Sandwich in January "1818, that he went there merely as a private professional agent of the North-West "company, without any authority whatever from Government, and that the state- "ment concerning orders from Government was introduced in my affidavit, for the "purpose of creating an impression on the public mind prejudicial to the interests "of Government, by making it appear that the Government had improperly inter- "fered in the administration of justice." Now it seems the acting Solicitor General was not appointed acting Solicitor General till a few weeks after the period at which he was at Sandwich; but it is not affirmed in my affidavit that he was then acting Solicitor General; nor is it false, when speaking of the present acting Solicitor General, to say, that the acting Solicitor General was at Sandwich at a time previous to his appointment, any more than it would be to say, that the Lieutenant Governor was a few years ago on actual service in the British army in France. The statement made in so improper a manner by the acting Solicitor General, in the Court here, that he had no authority from Government to act for the Crown at Sandwich, is positively a mis-statement; for he produced and filed in the Court there a letter from his father, then invested with the duty of Attorney General, instructing him to repair to Sandwich, and there to attend to the interests of the Crown in whatever measure it might be necessary to adopt, relative to me and the persons by whom I was accompanied. That a statement was then made by the present acting Solicitor General, that some of the prosecutions then commenced were instituted by orders direct from His Majesty's Ministers in England, can be proved by several of the gentlemen who were then in the Court; and although the Solicitor General chose in the Court here absolutely to deny that he had made such an assertion, he has since acknowledged to me that he did so for the purpose of inducing the magistrates to do their duty, evidently showing, that he expected that the importance of the cause would be magnified in their estimation, as much as it is in his own from the circumstance of originating in such orders, but implying an insult to the judicial independence of the magistrates, as well as to the authors of the orders in question, since His Majesty's Ministers, in issuing such orders, could only have intended that the laws should be enforced in the accustomed manner, without subjecting the parties who had the misfortune of being the subject of them to any more inconvenience than might be rendered just by the evidence against them, and absolutely necessary for securing the purposes of public justice. The whole conduct of the present acting Solicitor General, in first mentioning such orders, for the purpose of enhancing the amount of bail to be required by the magistrates at Sandwich, and afterwards attempting by a positive mis-statement, openly asserted in the Court here, to deprive a prisoner of the mitigation of bail, which he expected from stating the circumstance and appealing to the independence of the judge, betrays at once a criminal badness of heart, and a pitiable weakness of understanding; for the amendment of which, the subscriber considers it a duty to recommend his conduct to the just animadversion of his Excellency the Lieutenant Governor.

11th March 1819. (Signed) *John Allan.*

Inclosure (3) in Sir P. Maitland's, of 3d April 1819.

May it please your Excellency, York, 12th March 1819.

I HAVE read the petition and affidavit of surgeon Allan, which your Excellency had the goodness to communicate for my notice and remark.

So far as relates to the business of the late assizes in the western district, I have already had the honour to explain, in answer to the letter presented by Earl Selkirk.

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To the reproach intended to be conveyed by the petitioner, as having promoted an act to inquire and try, in any district of the province, crimes and offences committed in any district without the limits of the organized population of the province, I am happy in the occasion to refer your Excellency to a short history of that bill.

In the forty-third year of His Majesty, an Act passed the Imperial Parliament, giving conditional jurisdiction to the court of this province to try offences committed in the Indian territories, without the limits of Upper and Lower Canada. It was not until 1817 that any appeal was made under this statute, when various charges against many individuals were transmitted under the seal of Lower Canada, conformably to the provisions of the said statute, to be inquired of, and tried in this province.

A vast extent of Indian territory, inhabited only by Indians and their followers, lies within the limits of this province, which are not precisely known, and difficulties were apprehended on the question of jurisdiction.

A bill was introduced into the legislative council, to relieve us from the expected embarrassments; this bill was referred to the three Judges, discussed, amended and approved by them, passed the legislative council, but was not returned that session. The House of Assembly having considered the bill during the recess, it was sent up at the next session as having originated in the House of Representatives, and passed the council, and received the Royal assent. Such a course seems incompatible with the suggestions in the petition, that your Excellency and the other branches of the Legislature were surprized.

With respect to the construction put upon the bill by the Chief Justice, and complained of by the petitioner, I am at a loss to discover to what he alludes; no question upon this bill has yet been agitated to call for construction. At the assizes for the home district, a bill of indictment was found against the Earl of Selkirk, the petitioner, and many others, for a conspiracy; the process of the court was prayed upon filing the bill, and surgeon Allan, having attended the court as an evidence in certain civil actions at *Nisi Prius*, applied to the court to be admitted to bail, and traversed the indictment to the next session. Upon the question of bail, it appeared to the court, from the details of the overt acts charged in the indictment, as read to the traverser, that the bail should not be light, and it directed £.1,000 for the traverse, and £.500 for each two sureties; which last, by the indulgence of the court and prosecutor, was admitted to be subdivided, to suit the circumstances of the traverser.

Your Excellency will perceive, that in all this no occasion was offered on either side to discuss the legality of the proceeding; and as the traverser had counsel at his side, the court had no cause to presume any doubt, to form any construction, or pronounce any opinion upon the Act under which the indictment is alleged to have been found. Any question of expediency or propriety in bringing forward the prosecution in that shape, was for the consideration of the Attorney General, and not for the court. I am grateful to your Excellency for the early communication of this and the former letter, and shall ever be so, for occasion to account for my conduct in any of the various relations in which I stand with your Excellency, the Crown and the public, conscious of no motive but duty, for my actions as a magistrate, a legislator, and executive counsellor.

I have the honour, &c.
(Signed) *Wm. Dummer Powell.*

His Excellency Sir P. Maitland,
Lieut. Governor, &c.

Inclosure (4) in Sir P. Maitland's, of 3d April 1819.

May it please your Excellency, York, March 15th, 1819.

I have perused the petition of Mr. John Allan, and the affidavit accompanying it, which I am to thank your Excellency for submitting to me; and to assist your Excellency in forming an opinion on the matters they relate to, I will give a short account of the facts, with which I am necessarily conversant, respecting the prosecution of John Allan.

Some time last Spring, I think late in April, the agents of the North-West company and their counsel, placed in my hands, as Crown officer, a great mass of testimony, consisting partly of documents in the hand-writing of the accused, and incapable of contradiction, and partly of depositions of a great number of witnesses to facts which they were ready to substantiate, by *viva voce* evidence in a court of justice.

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It regarded principally the conduct of the Earl of Selkirk and his followers, in the year 1816, at Fort William, in the western district of this province, and charged them among other things, with having, under pretence of enforcing justice, employed an armed and lawless band of discharged soldiers, in riotously obtaining forcible possession of the persons, houses, goods, papers and effects of the company of merchants mentioned above, of continuing in such violent and unlawful possession from the month of August 1816, to the end of May 1817, and totally obstructing during all that time, the trade and business of the company; with seizing their papers under an illegal warrant, and breaking open, perusing and detaining their private letters, books and accounts; with compelling the clerks and servants of the company remaining in charge at Fort William, to leave their employment, and depart to Montreal, under pretended writs of subpœna, issued by Lord Selkirk as a magistrate, to give evidence at Courts, and in cases assigned by his Lordship, to suit the purpose of the moment, and sending them away as pretended witnesses in the same manner as if they had been criminals, though they had never been examined by his Lordship, as to their knowledge of the matters mentioned in the subpœnas, nor have ever since been called upon to give evidence in any Court respecting them; with sending away as a prisoner, the only remaining agent of the company left, with his Lordship's concurrence, in charge of Fort William, when the partners had been sent down prisoners to Montreal, without any information on oath, to charge him, without examining him, upon any alleged offence, without making out any warrant against him, but under a pretext of a criminal charge which has never since been advanced, viz. of having in his possession stolen goods, though the articles alluded to have been the subject of an amicable correspondence between his Lordship and this agent three weeks before, and of proposals on the part of his Lordship, which had he believed this person guilty of the crime he now suddenly imputed to him, would have been an offer to compound felony; with seducing the engaged servants of the North-West company to leave their employers, after the persons whose duty would have led them to counteract those attempts, had been thus unwarrantably sent away; with preventing them by force from serving their lawful masters, proclaiming to them, that the Earl of Selkirk had full power to cancel their agreements, and ordering them in the name of the King, to labour for his Lordship; with arresting all the partners of the North-West company present in Fort William, when it was taken possession of by the Earl of Selkirk and his party, under a warrant issued by his Lordship, charging them with heinous offences, sending them all to Montreal to answer to these accusations, except one partner, a Mr. Daniel M'Kenzie, who though involved in the same charges, was not suffered to go down with the rest to take his trial, but was kept seven days without examination in solitary confinement, guarded by armed soldiers, then examined by his Lordship, thrown into a dark dungeon for 48 hours, then again replaced in his former confinement, guarded as before, for many days, until overcome by terror, suffering, threats, and alternate persuasions and promises of indemnity, he executed a deed of sale to the Earl of Selkirk, of all the North-West company's property at Fort William, amounting to £.30,000, and other instruments, which could the law under such monstrous circumstances have given them validity, would have nearly accomplished the ruin of the company. After executing which instruments, writing a letter to the Earl of Selkirk, slandering the principal partners of the company, and suffering himself to be made an instrument in the hands of the Earl and his followers, to tempt in a most wicked manner, the distant partners and servants of the company, to dishonesty and fraud, Mr. M'Kenzie was relieved from his confinement, and suffered to go where he pleased, without any bail being required of him to answer for the offences which had been the alleged grounds of his detention.

These formed a part of the charges, in support of which a great body of evidence was placed in my hands. Among the agents of the Earl of Selkirk, involved with him in those charges, was your Excellency's petitioner, John Allan.

What notice had been taken of him by His Majesty's special commissioners, or what offences had been charged against him at Red River, or in Lower Canada, was then unknown to me. But if whatever the petitioner states is correct, if the special commissioner, or the Judges of Lower Canada had acted illegally and oppressively as he complains, and I had been aware of it, it could not in any degree have influenced me, or affected the measures it was my duty to pursue. If the petitioner had been illegally held to bail in Lower Canada, for offences committed in Upper Canada, it was not the less my duty to prosecute him in the only Courts to which he was amenable. He could derive from that circumstance no claim to impunity. Neither could it enter into my consideration, what charges the commissioner or any other

person had advanced against Mr. Allan, or whether they conceived the acts imputed to him constituted offences of a greater or less degree, than appeared to myself from the evidence now placed before me. The special commissioners acting at the Red River or at Montreal, and the Judges of Lower Canada, are not under the control of this Government, or of its servants, and it is therefore unnecessary for me to make any remarks upon those parts of the petition or affidavit in which they are mentioned.

A mature consideration of the evidence before me left no doubt in my mind, that the proper mode of proceeding upon it was to consider all the violences and wrongs it stated, as proofs of a combination or conspiracy in the Earl of Selkirk and his followers, to injure the trade of a rival company, by open violation of the liberty and property of its members, and by an oppressive perversion of legal power and authority to interested ends. I therefore required the attendance of the necessary witnesses to support the charges, and preferred an indictment for conspiracy against the Earl of Selkirk and his followers, among whom was the petitioner, at the next assizes in the western district, which was in the month of September last.

I have had occasion already to detail so fully to your Excellency the proceedings upon this indictment, that I need not now remind your Excellency of the circumstances which prevented its being either found or ignored, and left the prosecutors precisely in the same situation as if it had never been preferred. Facts which I have already reported to your Excellency, and others which I have not thought it necessary to communicate, convinced me, before the investigation had proceeded far, that had the grand jury ignored the bill, which I do not consider possible, it would have been my duty to have filed an information for the conspiracy; and after the undecided state in which the prosecution was left by the adjournment of the Court, I should have felt myself bound to pursue the same course, had there been no other means of bringing the charge before the country, than by going a second time before a grand jury of the western district. There is indeed a middle course in offences of this nature; namely, by the prosecutors moving the Court of King's Bench for leave to file a criminal information through the officer of that Court, upon grounds stated in affidavits; and this course I should have pointed out to the prosecutor, but from the impracticability of going through the necessary forms, which require personal service of rules upon the defendants, the Earl of Selkirk, the principal offender, having suddenly withdrawn himself from this province to England before the ensuing term.

Fortunately for the ends of public justice, a bill, which originating in considerations purely of a public nature, had passed one branch of the Legislature in March 1817, precisely in its present form, before the petitioner or this charge of conspiracy against him was under consideration, and would have passed the other, but for a difference between the two houses respecting their privileges, which obstructed public business, was in their next session revived and passed into a law. It authorized the trial, in any district of this province, of offences committed in such parts of it as were yet unorganized, and, if I may use the expression, unreclaimed.

The motives which led to this bill, as I have understood, for it was not of my framing or suggestion, were these considerations of public justice and convenience. It would enable us to submit to the same tribunal all offences charged upon both parties, cognizable by our courts, whether in the Indian territory, out of this province, and placed within our jurisdiction by the provision 43d Geo. III, or within this province, in any unorganized part of it. It would relieve the court from perplexing questions about the limits of this province, since as to those places doubtfully situated, and supposed by some to be in Indian territory, properly so called, and by others within this province, it would give to the same court jurisdiction in either case, and would render the doubt of no weight in defeating the ends of justice. It served public convenience, as it prevented the necessity of taking witnesses unnecessarily to the remotest district of the province, and might authorize the investigation of all the charges which have been advanced by the parties against each other in this district, where the time the trials might occupy would occasion less expense and public embarrassment than on the circuit, and where the presiding judge in any questions which might arise, would have an opportunity of conferring with his brothers. These are the motives which have been assigned to me, as giving rise to this bill in the year 1817; and if the Legislature in their last session were further induced to pass it, by a knowledge of the late proceedings in the western district, to which the trial of offences committed in the Indian territories of this province was before confined, they consulted well, as was their duty, the true ends of justice, in providing for the impartial trial of offenders.

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Be this as it may, I lost no time in availing myself of this effect of its provisions, as it relieved me from the necessity of a measure, which would doubtless have been exclaimed against as severe. Refusing to file an *ex officio* information, as another mode was now open of bringing these charges before a jury, though at an expense to the prosecutors of bringing thirty witnesses a second journey of four hundred miles. I took the necessary steps to procure the attendance of the witnesses, and preferred in this district, at the first court of Oyer and Terminer in the province, which succeeded the passing of the Act, an indictment for conspiracy, embracing the charges I have mentioned. It was found by the grand jury, and the process of the court issued in the ordinary manner. The only person within its reach, of those included in the charge, was the petitioner, John Allan, who from the evidence in my possession appears neither the most nor the least conspicuous among the agents of the Earl of Selkirk. He was under no obligation that I know of to appear there, or at any other court of this province, but attended as a witness for the Earl of Selkirk in some civil actions, growing out of his conduct at Fort William. He was of course held to bail upon the indictment, as he traversed to the next assizes; on that occasion he read to the court the affidavit which accompanies the petition. It contains matter with which the courts in this province could have nothing to do, and some subjects of complaint, which it would be easy to show, are altogether groundless. Nevertheless, it passed without comment from me, and I readily acquiesced in what was proposed by the court, for the ease of the defendant.

This is the part which the court and His Majesty's law officers here have had in the prosecution of Mr. Allan, who will be acquitted or convicted as a jury of his country find him innocent or guilty. Far from being the object of persecution, his prosecution is considered by those whose duty it is to conduct it, as of very inferior moment to the ends of public justice. It is the Earl of Selkirk, in whose hands he was but an instrument; however a jury may excuse his agency, who, it is most desirable to the ends of justice should submit himself to a trial by his country, for offences against the property and liberty of his fellow-subjects, of which the disclosure of a very small part, has obtained from a jury a recompence to an injured individual, by a verdict against his Lordship of £. 1,500.

As to the complaints of the petitioner against the Act which authorizes his trial here or in any other district, I do not altogether comprehend them. He complains of the preamble prejudging him, as it speaks of "offences committed;" I think the absurdity of this need not be remarked upon. In the same manner, and by the same expressions, does the British Act of the 43d Geo. III. prejudge all those who, at his Lordship's prosecution have been, or are to be tried under it. In the same manner have the many British statutes, which for reasons, and upon occasions less urgent than those which induced this Act, have removed the jurisdiction of offences from the populous counties in which they were committed, to any in which, "for their more easy and speedy trial," it might be deemed expedient to prosecute them, prejudged all those who have been condemned under them.

In truth, the whole of the observations of the defendant respecting this law, show utter ignorance of the question they relate to, or a total disregard to accuracy of statement; I am willing to believe they may proceed from the former cause. The provisions of this Act, which has but the effect of making the jurisdiction transitory, are called "unprecedented," and represented in the light of *ex post facto* enactments against the natural rights of subjects.

The one observation is untrue in terms, the other is substantially groundless. I need but refer your Excellency to the Act of this province passed in 1814, authorizing the trial in any district of any high treasons committed within the province during the late war, under which a great number of persons were condemned under a special commission in the *district of Niagara*, and several executed for treasons committed in the *district of London* before the passing of that Act, and among the number of examples which abound in the British statute book, to the Act 19th George 2, under which those engaged in the rebellion of 1745, were tried under a special commission in Surrey, for treasons committed in different counties in the kingdom; these laws are never regarded as *ex post facto*, they create no new offence, they neither increase nor diminish the measure of punishment, they merely alter the place of trial, and prevent public justice from being defeated or embarrassed in its administration, from a rigid adherence to a rule of the common law, which though once founded in reason when the jury was taken from the hundred or vicinage, is in

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reality become insignificant, from the modern practice of summoning a general pannel of jurors from the county at large. But never was there a case in which so little of form ever was sacrificed, as in the present.

Fort William, and the wild country surrounding it, have no more geographical affinity to the western district than to this, although annexed to it by an Act of our Parliament. The jurors who dispense justice in that district, are divided from Fort William, the scene of the offences charged against Mr. Allan, by as many hundred miles of savage wilderness, as are the jurors of this, and know as little of the parties and their offences, or the credibility of the witnesses, except from the pains taken by the Earl of Selkirk to instruct them on those heads, by pamphlets industriously circulated at the moment of the sitting of the court.

The petitioner speaks of illegal, oppressive and partial conduct, on the part of the servants of His Majesty. General assertions of this nature, even from persons differently situated from Mr. Allan, will, I am sure, never receive from your Excellency much attention, and I shall make no comment upon them. I observe subjoined to the affidavit some remarks applied to the Solicitor General, expressed in a language which, however it may be received by your Excellency, must prevent its obtaining any notice from him.

For defendants in criminal charges to exclaim against the justice of their prosecution, is not unusual; some may reason themselves into the persuasion that they are persecuted, others may think it serviceable to themselves to produce this impression on the public. But to express resentment against the ministers of justice in terms so indecent, is at least uncommon, and in an official representation to the head of the Government, I hope without example, as it is without excuse.

I should not have considered it necessary to remark so much at length on this petition; there is nothing in the matter it states that required it, when the facts it involves are known, and where the character and conduct of His Majesty's officers concerned in the administration of justice, are open to public observation; but it is most probable, that this statement is not merely meant for your Excellency's eye, and it is of some consequence to the public character of the country, that wherever it goes, it may be accompanied by the truth.

I have the honour, &c.

His Excellency Sir P. Maitland,
Lieut. Governor, &c. &c.

(Signed) *Jn° B. Robinson.*
A. G.

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No. 41.

Copy of a Dispatch from Major General Sir Peregrine Maitland, K. C. B. to Henry Goulbourn, Esq.; dated York, Upper Canada, 4th May 1819:—Four Inclosures.

My dear Sir, York, 4th May 1819.

WHETHER the Act against which Lord Selkirk objects in such unmeasured terms, be ill advised or not, is a matter of opinion; but in saying it was hastily passed, his Lordship asserts a fact which is capable of most satisfactory contradiction. The bill in question had met with the concurrence of both Houses the previous session, and but for the abrupt prorogation, would at that time have passed into an Act.

It appears to me, that the necessity for such an Act was abundantly obvious, in the lawless proceedings and sanguinary quarrels between the rival companies; and the bearing of that in question appears to me to be no less salutary than just; but I forbear from any further remarks on the subject, having forwarded for Lord Bathurst's information the observations of the Chief Justice and Attorney General on a letter of complaint from Lord Selkirk, and on a memorial of Mr. Allan.

I called for these answers, with a view of putting Lord Bathurst in possession, as early as possible, of both sides of the question; and, for the same reason, I send by the present mail certain remarks by the Chief Justice on Lord Selkirk's letter to Lord Liverpool.

Believe me to be, my dear Sir, &c.

Henry Goulburn, Esq.
&c. &c. &c.

(Signed) *P. Maitland.*

Sir, York, 1 May 1819.

Enclosure (1) in Sir P. Maitland's, of 4th May 1819.

I have perused with a lively interest the copy of a letter from the Earl of Selkirk to the Earl of Liverpool, dated in Grosvenor-place the 8th February last, and beg leave to express my grateful acknowledgement to your Excellency for the communication. On the subject of the bill passed in the last session of the provincial Legislature, his Lordship has not only handed unfounded surmises, but has advanced as fact that which is not true. He is pleased to say, that the Act of the 31st of the King, cap. 31, divided the province of Quebec, and makes no alteration in the western limits established by the 14th Geo. III, cap. 83. The Canada bill does not divide the province of Quebec; it premises that it was His Majesty's intention to divide that province into two provinces, to be called Upper and Lower Canada, and makes provision for their government when so divided. His Majesty, by his order in council, subsequent to the passing the Act, did accordingly separate the province of Quebec into Upper and Lower Canada, and does make a great alteration in the western limits from those established by the 14th of the King, extending them westward, without difference, to the limits of Quebec, in such terms as plainly indicate the intention to comprehend all the country conquered from France under the name of Canada, which had not been relinquished to the United States of America, or secured to the Hudson's Bay company, or designated as Lower Canada. Earl Selkirk is pleased to say, that the Chief Justice of Upper Canada declared that his jurisdiction extended to the Pacific Ocean; his Lordship must have been misinformed; I never did pretend to pronounce the extent of Upper Canada, but did deem it respectful to pause, when a deliberate act of the King in council, contemplated and referred to by Parliament, was set at nought by a provincial magistrate.

The Earl of Selkirk alludes to legal opinions of the first authority, on the jurisdiction of the officers of the Hudson's Bay company over offences and offenders within its territory. The Chief Justice of Upper Canada had been taught to consider the Parliament of the United Kingdom to be the highest legal authority, and its Act of the 43d of the King gives jurisdiction over offences committed in the territory of Hudson's Bay to the Courts of Lower Canada, as occasion may require.

Thirty indictments for felony and murder, in which Earl Selkirk was the prosecutor, had been transmitted for trial in Upper Canada, under the provisions of the last-mentioned Act. It was apprehended, that the question of jurisdiction might be raised, and if it should turn out that the *locus in quo* was in the western district of Upper Canada, the Court of the home district was incompetent to try them, and they must have been renewed in the western district, at a great charge to the prosecutor as well as the culprits, and great inconvenience to the public. The bill in question was to meet this contingency; it was introduced and passed in the council, after mature deliberation and references to the Judges. It was not returned from the assembly during that session; but after the prorogation, it was at the next session sent up as a new bill from that house, and passed the council. It did not receive the royal assent until it had undergone the consideration of some weeks. As relates to the general hardship of the bill to the individuals, and injustice to the local jurisdictions, it may be observed, that it operates on no organized population of the province subjected to municipal regulations; the territory which it affects is in the Crown, and part of a district, but the soil is in the aborigines, and inhabited only by Indians and their lawless followers. As to the removal of prisoners, prosecutors and witnesses, to a remote distance, it has not been thought a hardship to subject them to a journey of five times the distance, passing eight districts and a whole province, with the chance of being remanded for trial to the district nearest to which the offence was committed; such is the operation of the 43d of the King, under which Earl Selkirk prosecuted in Lower Canada the numerous indictments transmitted to Upper Canada for trial.

As to the insinuation by the Earl of Selkirk, that the bill was got up through the influence of the North-West company, and that from the same cause the Spring assizes for the home district were unusually early, by appointment of the Chief Justice, it is presumed that a serious attempt to refutation will not be expected.

I have been on the bench thirty years, subject as all are, to good report and evil report; but this is the first surmise of corruption or suspicion of it which has been made known to me.

I have the honour to be, &c.

(Signed) *Wm Dummer Powell.*

His Excellency
Sir Peregrine Maitland.

Inclosure (2) in Sir P. Maitland's, of 4th May 1819.

Sir, York, 3d May 1819.

In closing my letter of the 1st instant, on the subject of the Earl of Selkirk's libel, it occurred to me that a concise report of the two civil actions decided here, against his Lordship, for false imprisonment, would be a fair and complete confutation of his Lordship's pretension to exclusive merit and suffering from the injustice of others. I now take the liberty to inclose it, not as an official document, but one which may be relied on, and verified by numbers. Thinking that the colonial department might be willing to know on what rests the pretensions of his Lordship, to credit, as an innocent and persecuted man, persecuted by corrupt influence over His Majesty's servants, under the protection of that department.

I have the honour to be, &c.

*Wm Dummer Powell.*

His Excellency
Sir Peregrine Maitland.

Inclosure (3)

M'Kenzie and Earl of Selkirk, } False Imprisonment.

Spring Assizes, York, 1819.

It was in evidence, that plaintiff was a retired partner of the North-West company, with several other partners at Fort William, in the western district, when they were arrested on charge of felony, by warrant from defendant. That after examination, the other partners were committed to the prison of the district, or sent to Montreal, but that plaintiff was detained at Fort William, and confined in a place called the Black Hole. That bail was offered to defendant, but rejected, on pretence that the charge against him was too serious to admit of bail.

That plaintiff was addicted to exces and frequent intoxication, and that his failing was encouraged, whilst in confinement, until he was prevailed upon to execute, whilst under duress, a sale of the copartnership property to defendant, after which he was discharged without bail. That when defendant had committed to prison the other partners, they had left in charge of their concerns, two clerks, Vandersluys and M'Tavish, with powers to act for the company; that defendant knew that these persons were alone entrusted with the affairs of the company. That he had made proposals to them to transact for the company, which they had declined; and that after Vandersluys, one of the agents, finding his presence useless to his employers, from the control of defendant, had obtained leave to quit the fort, defendant renewed application to M'Tavish, the remaining agent, to transact with him on account of the copartnership, which M'Tavish still declining, defendant sent him in custody to Montreal, under a pretended charge of being the receiver of stolen goods, knowing them to be stolen, but did not take his examination on that charge, or give any warrant of commitment to the person under whose custody he was placed, nor was any further prosecution of the charge carried on.

That after Mr. M'Tavish was thus got off, there remained in the fort six other clerks of the North-West company, who had no particular charge of confidence, but adhering to the interest of their employers, and having influence over the common servants of the company, they were got rid of, by the defendant sending them off to York, under pretence of a subpœna, signed by himself, to give evidence before a Court at York, on a day when no Court was holden, and no trials or prosecutions expected; this latter evidence was submitted in aggravation to show that the imprisonment of the plaintiff without commitment regularly, was corrupt as well as illegal, with intention when all other course failed, to extort from him as a nominal partner of the North-West company, an exercise of authority over their concerns, which he, the plaintiff, disowned to possess, and protested against, so soon as he was at liberty, in a place where means for such protest could be found. The defendant's counsel limited themselves to cross-examination of the witnesses, and the jury found a verdict for the plaintiff, and £. 1,500 damages.

The abuses of the authority of the magistrate, for corrupt purposes of private interest, were so various and unquestionable, that the Court after receiving the verdict, intimated to the Attorney General, the propriety of his official notice, but his Lordship having been discharged from the magistracy, and being no longer within the jurisdiction of the Court of King's Bench of this province, no further notice was taken of him.

Upper

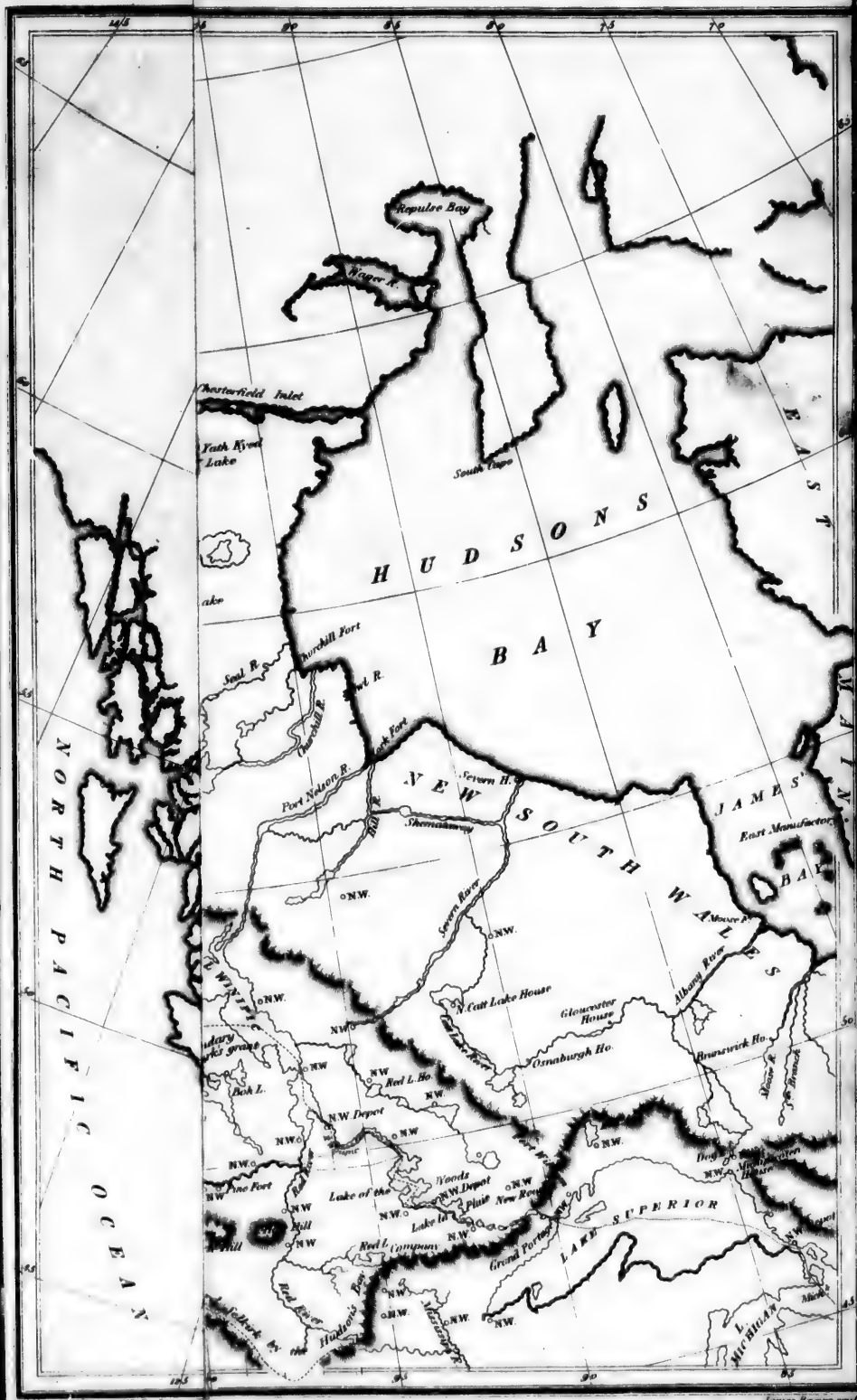
Upper Canada, at the Spring Assizes, 1819. Inclosure (4) in Sir P. Maitland's, of 4th May 1819.

W^m Smith, plaintiff, and Earl of Selkirk, } Trespass, Assault and False Imprisonment.

The evidence was, that the plaintiff, as deputy sheriff of the western district, arrested the defendant on a warrant for felony. That the defendant being at Fort William in the western district, with many armed men under his command, rescued himself from the arrest, and imprisoned the plaintiff in a house wherein there were other prisoners, one charged with murder, and since convicted. That an armed soldier stood sentinel at the door of the room in which plaintiff was confined, whose orders from defendant were, not to admit him to go out or receive his visitors.

That the prisoner under charge of murder, was indulged to keep a school and walk in the fort. That defendant would have set the plaintiff at liberty, if he would engage not to act upon his warrant. That plaintiff was thus imprisoned from the 19th March to the 11th May, when Lord Selkirk still left him a prisoner, but no authority was used to detain him after his Lordship's departure. The defence attempted was, that plaintiff was imprisoned for a breach of the peace, and also, that his imprisonment was voluntary, by connivance with defendant to colour his neglect of duty; but no evidence supporting such a conclusion, the jury found a verdict for plaintiff with £. 500 damages.

NORTH PACIFIC

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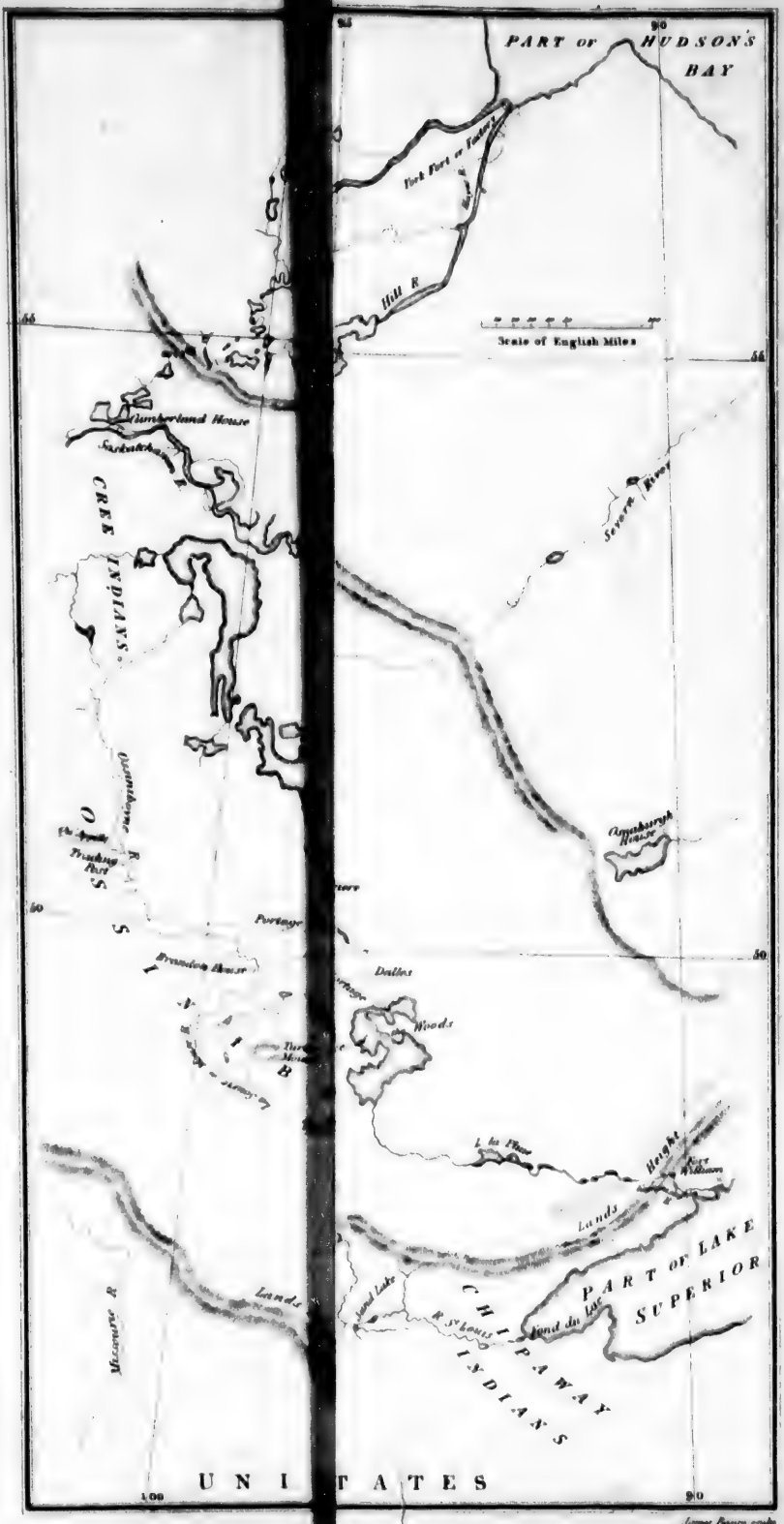
12th July 1810.

Luke Hansard & Sons, Printers

THE SEA
NW
Great Bear L.
Mt. Armour R.
R. of the Mountains
SLAVE
L'Anguille or Snare R.
Buffalo L.
Port Augustus
Peace River
Unjiguas R. and Lakes
Mt. Calumet R.
Saskatch
Columbia R.
Kouskouskow R.
NORTH PACIFIC OCEAN

THE SEA
Repulse Bay
Wager R.
Buffalo L.
This River by Indian Report joins the Sea
Great Bear L.
Chesterfield Inlet
Dubawnt Lake
Faith River Lake
South Tope
HUDSONS
BAY
EAST
SLAVE LAKE
Clowey River
Slave River
Northwind Lake
Churchill Fort
Seal R.
Churchill R.
Peace or Unjigah R.
Fall River
Rein Deer Lake
Port Nelson R.
Severn R.
NEW SOUTH WALES
JAMES'S BAY
Buffalo L.
Isle a la Crosse
Beaver L.
Beaver Lake
Fort Augustus
Fort George
Hudson House
Chesterfield House
Red Deer River
Boundary Line claimed by the United States as laid down in an American Map published in Philadelphia 1818
North of Lord Selkirk's grant
Red L. Ho.
Fork
Osnaburgh Ho.
Albany River
Brunswick Ho.
Lake of the Woods
Lake la Pluie
Red L. Company
Grand Portage
LAKE SUPERIOR
Red River
Assiniboine R.
Mississippi R.
Missouri R.
Lake Michigan
James Basire sculp.

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Assiniboine R
Trading Post
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Missouri R
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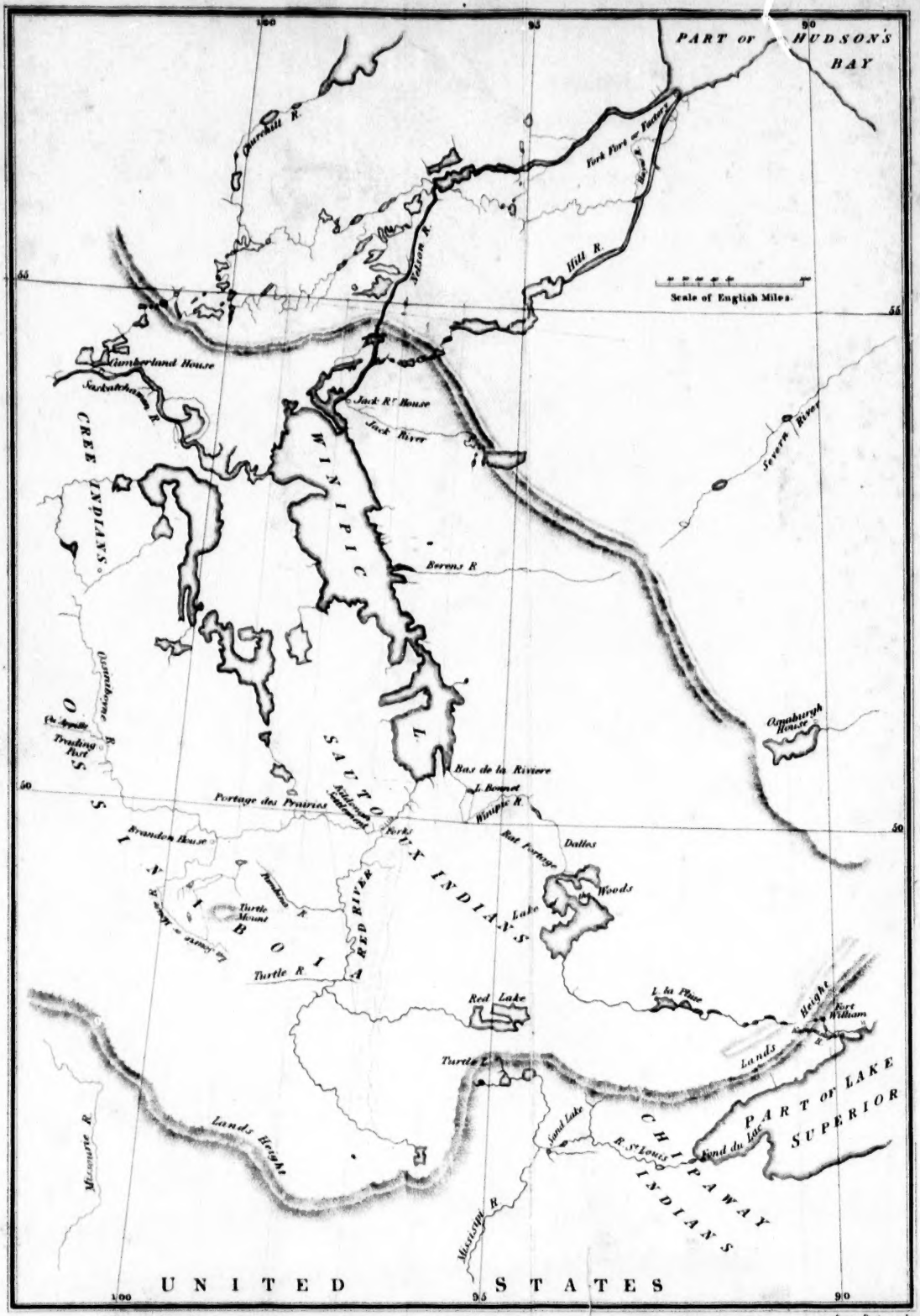


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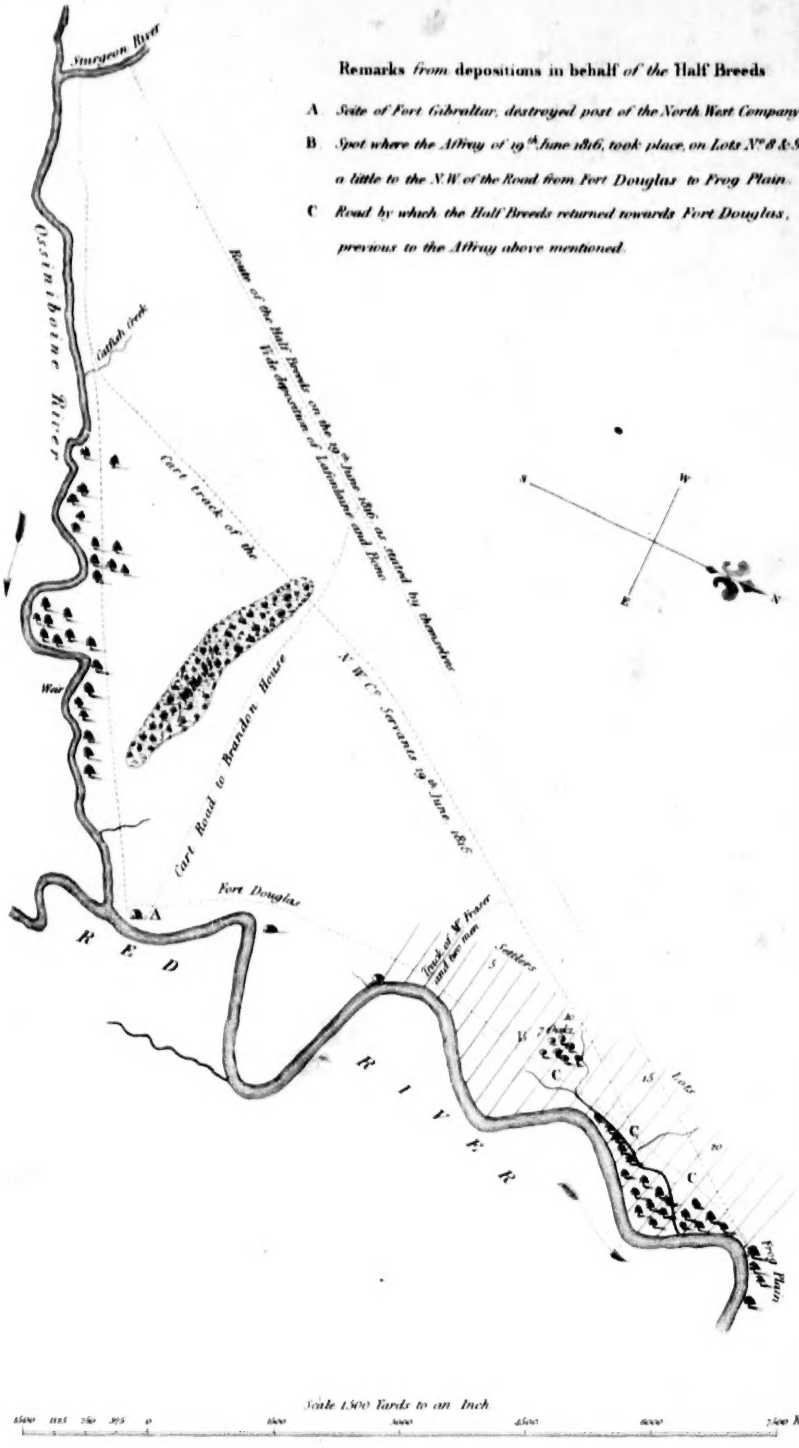


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